

**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 17TH SEPTEMBER 2026**

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

Application Number	RB2026/0064 https://rotherham.planportal.co.uk/?id=RB2026/0064
Proposal and Location	Change of use of ground floor from Public House (Use Class Sui Generis) to Restaurant (Use Class E(b)), retention of first floor residential accommodation, removal of existing outbuildings & construction of a single storey retail unit (Use Class E(a)) at former Green Dragon Inn, High Street, Kimberworth
Recommendation	Grant with Conditions

This application is being presented to Planning Board due to the number of representations received.



Site Description & Location

The site comprises a former detached public house, the Green Dragon. The surrounding area is predominantly residential, characterised by a mix of terraced and semi-detached dwellings. Local shops, services, schools, and public transport links are all within walking distance.

An L-shaped building is located to the northwest of the site; this is a Grade II listed structure known as the “L-Shaped Range of Farm Buildings (Parks Department Depot), High Street.”

Background

The submitted information indicates that the former public house has been vacant for a prolonged period of time and is demonstrably no longer viable.

The premises have been actively marketed for continued licensed use by specialist hospitality agents at a realistic rental level, with no viable operator interest forthcoming. This reflects a genuine lack of market demand rather than any deficiency in marketing. The proposal would not result in an unacceptable loss of community facilities, given the availability of alternative licensed premises within the wider area. In planning balance, the proposal secures the reuse of a long-vacant building, reduces the risk of antisocial behaviour, creates employment opportunities, and retains the residential accommodation above the premises.

There have been no recent relevant applications on the site.

Proposal

The proposal includes the change of use of the ground floor from a Public House (Use Class Sui Generis) to Restaurant (Use Class E(b)), this will include the removal of the existing external outbuilding, outdoor cover, and side porch.

There will be the construction of a single-storey retail unit (One Stop-type convenience store) (Use Class E(a)) attached to the existing building. The proposed retail unit will have an approximate gross internal area of 180 sq.m. The layout will include a customer-facing shop area to the front, with storage, WC facilities, and staff areas located to the rear.

It will be set back 2m from the front of the original building and project 8m from the side, measuring 22m from front to rear. Although the majority of the roof will be flat and measure approximately 3.4m in height, the main front elevation has been designed with a hip roof element measuring 4.7m to the ridge height and 3m to the eaves height.

The residential accommodation at first floor level will be retained. This comprises private residential accommodation, accessed both internally and externally, and comprises two double bedrooms, living room, kitchen, Office and family bathroom

Restaurant opening hours would be 12:00 to 15:00 and 17:30 to 22:00 with the retail element opening hours 07:00 to 22:00. The applicant has stated that *“The staggered nature of these operating hours allows deliveries to be scheduled during periods of reduced parking demand, thereby preventing operational conflict between the retail and restaurant uses.”*

There are no trees or hedgerows within the site. The existing hard-standing areas will be retained, and no additional landscaping is considered necessary.

The following documents have been submitted in support of the application:

Design & Access Statement

The Statement provides an overview of relevant planning policy, context of the site how the design has evolved and details of the final design.

Sequential Test Statement

The Sequential Test Statement has been prepared to accompany the application for a main town centre use which is proposed in an out-of-centre location, in accordance with Policy CS12 of the Rotherham Local Plan Core Strategy and Supplementary Planning Document No.7: Town Centre Uses and Developments.

Delivery Management Plan

The document sets out how the proposed retail unit will manage deliveries to the store to ensure they are carried out safely and efficiently within the site, without adverse impact on the immediate surrounding area.

Odour Risk Assessment

The assessment concludes that a high level of odour control is required for development. It recommends appropriate mitigation measures are implemented to ensure the system remains efficient and in good condition and avoid any future amenity issues.

Heritage Statement

The statement sets out matters in respect of design and scale of the proposal and assesses any potential impact upon the setting of nearby designated heritage assets.

Preliminary Roost Assessment

A preliminary roost assessment was undertaken on 18th June 2026.

It concluded that there was no evidence of bats within the former pub and as no works are proposed to the roof no further survey work is recommended. Mitigation for nesting birds in the roof of the existing building will need to be provided.

The outbuilding, which is to be demolished was assessed as holding moderate potential to support roosting bats due to the presence of missing tiles, slipped tiles, gaps in the mortar at the ridge and an inability to view one elevation of the roof. Accordingly, further survey work for bats will be required for the outbuilding.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on 27th June 2018.

The application site is allocated for residential purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy

CS3 Location of Development
CS9 Transforming Rotherham's Economy
CS12 Managing Change in Retail and Service Centres
CS14 Accessible Places and Managing Demand for Travel
CS20 Biodiversity and Geodiversity
CS27 Community Health and Safety
CS28 Sustainable Design
CS29 Community and Social Facilities

Site and Policies Document

SP11 Development in Residential Areas
SP19 Development Within Town, District and Local Centres
SP23 Out-of-centre retail parks and other out-of-centre developments
SP26 Sustainable Transport for Development
SP33 Conserving and Enhancing the Natural Environment
SP35 Protected and Priority Species
SP55 Design Principles
SP52 Pollution Control
SP59 Shop Front Design
SP63 Loss of Public Houses

Other Material Considerations

The August 2026 National Planning Policy Framework states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The national decision-making policies contained within the Framework are material considerations of critical importance in the determination of planning applications.

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

The application shall also be assessed against the following:

National Planning Policy Framework
National Planning Practice Guidance

Rotherham Adopted Supplementary Planning Documents

- Transport Statements, Travel Plans and Parking Standards
- Town Centre Uses and Developments
- Shop Front Design Guide

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. 6 representations have been received and are summarised below:

- Design & Access Statement states no Listed Buildings in immediate vicinity.
- No hours of opening on application form.
- Concern that works could: Damage listed buildings, Cause instability (e.g. landslip).
- Proposed glass-fronted design seen as out of character with conservation area.
- Existing severe congestion and parking pressure on High Street.
- Concerns that development would: Increase traffic movements & Worsen congestion.
- Insufficient parking for combined restaurant and retails use.
- No clear need for another retail unit.
- Risk of existing businesses becoming unstable.

There has been one right to speak requests from applicant at the time of writing the report.

Consultations

RMBC – Transportation Infrastructure Service – No objections subject to conditions.

RMBC Ecologist – No objections

RMBC – Environmental Health – No objections subject to conditions.

RMBC - Conservation and Listed Building Officer – No objections.

Yorkshire Water Services – No objections subject to conditions

South Yorkshire Police – Recommend the application is built to secured by design.

Appraisal

Where an application is made to a local planning authority for planning permission...In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations in the determination of the application are:

- Principle of Development
- Design, Size, Scale and Appearance
- Impact on Heritage Assets
- Amenity
- Highways
- Ecology and BNG

Principle of Development

The application site lies within an area allocated for residential use within the adopted Local Plan but would result in the loss of a public house.

Loss of public house

Policy CS29 'Community and Social Facilities', seeks to protect community facilities unless it can be demonstrated that:

- The use is no longer viable; or
- Alternative provision is made.

Furthermore, policy SP63 'Loss of Public Houses' states: "*Proposals for the redevelopment or change of use of public houses to other uses will be expected to demonstrate to the satisfaction of the Local Planning Authority that:*

- a. the public house is no longer economically viable; and*
- b. opportunities to re-let premises have been fully explored including the formation of a social enterprise or charitable group that can take over the premises; and*

c. the site or premises have been marketed to the Council's satisfaction at a price which is commensurate with market values for at least 12 months and included both traditional and web-based marketing, and regular advertisement in local, regional and / or national publications as appropriate; and

d. there is not an identified need for the public house based on the following:

i. there are alternative licensed premises within 800 metres reasonable walking distance of the public house; and

ii. where the public house provides a wider variety of ancillary uses there are alternative premises which offer similar facilities within 800 metres reasonable walking distance of the public house.

Given the circumstances, the proposed Change of Use aligns with Policy SP63. Evidence confirms the public house is no longer economically viable and has remained on the market for an extended period. Furthermore, alternative facilities exist within an 800m radius.

While the proposal would result in the loss of a public house, the replacement with a restaurant maintains an active, publicly accessible use contributing to social interaction and the local economy.

Furthermore, the proposal introduces an additional retail unit, increasing the range of services available.

On balance, the proposal is not considered to result in an unacceptable loss of community facility.

Restaurant and Retail Uses in a Residential Area

Policy SP11 'Development in Residential Areas' seeks to retain such areas primarily for residential purposes. However, it is material to note that the existing public house was a long established non-residential use operating within this residential context. The proposed change of use must therefore be assessed in accordance with Policy SP11 'Development in Residential Areas'.

Policy SP11 states that residential areas should be retained predominantly for residential uses, with non-residential uses only permitted where they remain compatible with the residential character of the area and meet all criteria (a)–(d). An assessment against each criterion is provided below.

Criterion (a): Are ancillary and complementary to the residential nature and function of the area

The former public house was historically integrated within the surrounding residential area. This proposal seeks to bring a long-term vacant, previously developed building back into beneficial use through its conversion to a

restaurant, alongside a modest extension to provide a small retail unit. The scheme represents an appropriate and sustainable re-use of the site, remaining ancillary and complementary to the character and function of the area, and is therefore compliant with criterion (a).

Criterion (b): Are no larger than required to meet the needs of local residents

The proposal comprises a single integrated restaurant use with a modest complementary retail element, intended to operate as part of a cohesive business model from a single premises. On the basis of the submitted information, the scale of the proposal is proportionate to the operational business requirements, the development is therefore considered to meet criterion (b).

Criterion (c): No unacceptable impact on residential amenity

The former public house already operated within a residential environment, and the key consideration is whether the proposed change of use and retail unit would materially increase impacts on neighbouring properties. This is explored in the following paragraphs below.

Criterion (d): Benefit to the health and well-being of the local population

While a restaurant and retail unit is not inherently a community health facility, the proposed change of use and formation of a retail unit will deliver a number of public benefits, by retaining a social destination that promotes community interaction and accessibility. The scheme therefore provides a clear and direct benefit to public health, aligning with criterion (d).

Having regard to the above, while the site is allocated for residential use, Policy SP11 permits non-residential development where specific criteria are satisfied. The proposed change of use and retail unit are considered to meet three of the four criteria outlined in policy SP11. Subject to the proposal not resulting in any unacceptable harm to residential amenity, which is explored further below, the proposal is considered acceptable in principle.

Design, Size, Scale and Appearance

The NPPG notes that: *“Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”*

The NPPG further goes on to advise that: *“Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”*

SP55 ‘Design Principles’ states: *“All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and*

distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings”.

This approach is echoed in National Planning Policy in the NPPF.

The August 2026 National Planning Policy Framework places significant emphasis on achieving high quality, sustainable and well-designed places through the policies contained within Chapter 14 ‘Achieving Well-Designed Places’. Policy DP3 requires development proposals to create high quality, healthy, inclusive and sustainable places that respond positively to local character and context, whilst Policy DP4 confirms that substantial weight should be given to good design in decision making.

In addition, CS21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

Further to the above, regard shall be had to the requirements set out within adopted policy SP59 ‘Shop Front Design’ and the adopted SPD ‘Shop Front Design Guide’.

The scheme has been amended to positively and directly address the concerns raised. The width of the proposed extension has been reduced from approximately 10.8 metres to 8.0 metres, representing a reduction of over 25%. This amendment significantly lessens the overall visual impact of the development.

The extension has been set back by approximately 2m from the principal elevation of the public house. This ensures that the host building remains the dominant feature within the streetscape and reduces the perceived prominence of the extension.

The previously proposed flat roof frontage has been replaced with a pitched roof design. This approach reflects more traditional building forms and aligns more closely with the character and appearance of the host building.

The frontage has been redesigned to incorporate a more traditional shopfront composition, with improved proportions and detailing. The revisions have been informed by the adopted Shop Front Design Guide, resulting in a more sympathetic and coherent appearance. Overall, the amendments result in a more sympathetic, well-integrated development that preserves the character of the street while addressing previous design concerns.

The revised proposal has been designed to respect the character and appearance of the Green Dragon Public House. The extension, while visible from the highway, is clearly subordinate, both in terms of scale and siting, and

reads as a secondary addition. It is therefore not considered to appear as a prominent or intrusive feature within the street scene.

Overall, the extension is considered to complement the appearance of the former public house and does not result in harm to the design or character of the host buildings and would be in compliance with the design policies and guidance referred to above.

Impact on Heritage Assets

Listed Building and Conservation Areas Act 1990 (as amended) s16(2) states that the local planning authority shall have “*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”

Local Plan Policies CS23 ‘Valuing the Historic Environment’ and the NPPF also seek to protect the setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest.

The applicant has worked with the Council’s Conservation Officer to come up with a design to overcome concerns raised in terms of design impact on the host property and on the setting of the adjacent Grade II Listed Building. While the large expanse of flat roof is not ideal it would be almost completely concealed from public views. As such, owing to the design and setback the Conservation Office is of the view that it has a largely neutral impact on the setting of the adjacent listed building and therefore raises no objections.

Concerns have been raised by local residents, regarding the potential impact on Listed Buildings, particularly in relation to risks such as damage or instability (e.g. landslip). However, comments from the Conservation Office are considered to outweigh any concerns. Furthermore, matters such as landslips are not material planning considerations and would remain the responsibility of the applicant.

Amenity

Impact on existing residents

With regard to the impact on existing residents from this mixed use scheme, there are two considerations, firstly impact of the built form and secondly the impact of the proposed commercial uses.

The August 2026 National Planning Policy Framework promotes the creation of healthy, inclusive and safe places through the national decision-making policies contained within Chapters 14 and 16. These policies seek to ensure that development provides a high standard of amenity for existing and future users and supports community health, wellbeing and safety.

As outlined above, Policy SP11 states that non-residential uses will only be permitted where there is no unacceptable impact on residential amenity (criterion c).

Local Plan policy CS27 'Community Health and Safety' states: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities."* Policy SP52 'Pollution Control' states: *"Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity."*

Local Plan policy SP55 'Design Principles' states, amongst other things: *"All development proposals must have regard to the presence of sensitive land uses and be designed in such a way that the amenity of any land use and the specific characteristics of the sensitive area are not adversely affected."*

Built form

The site is located at a lower ground level than the nearest residential properties to the west, approximately 12 metres from the retaining wall and the rear of the shared garages. No alterations are proposed to the public house, and the new retail unit will be modest in height and largely screened by the existing retaining wall between the site and the residential area.

As such, the proposal is considered to comply with relevant national and local planning policies referred to above, in respect of its scale and siting and is not expected to result in harm to residential amenities by way of loss of privacy, overshadowing or overdominance.

Having regard to the above, the proposals are considered to comply with Local Plan Policies CS28 Sustainable Design and SP55 Design Principles and are therefore acceptable in amenity terms.

Proposed uses

In respect of the introduction of retail into this location, it is noted that the applicant indicates that the retail use would fall within class E (a) and provides operating hours of the units as 07:00 to 22:00, with the restaurant falling within use class E (b) with operating hours of 12:00 to 15:00 and 17:30 to 22:00. Subject to a condition limiting the operating hours to those specified by the applicant, the proposed retail and restaurant uses are unlikely to have a negative impact on the amenity of local residents, given the unrestricted opening hours the public house enjoyed.

Further to the above, Environmental Health have confirmed that they have considered the "Commercial Kitchen Odour Risk Assessment by Miller Goodall, dated 25th February 2026 (Ref: AQ103458) and the Industrial/Commercial Noise Assessment, by Air Pressure Testing Limited,

dated May 2026 (Ref: PA2133), where they confirm that fixed plant will not operate during night hours.

The Commercial Kitchen Odour Risk Assessment has been carried out in accordance with EMAQ guidance and suitable mitigation measures for odour abatement have been proposed.

The Industrial/Commercial Noise Assessment has been undertaken in accordance with the methodology as set out in BS4142:2014+A1:2019. The assessment considers noise emissions from the 3no. proposed condenser units on nearby noise sensitive receptors. The applicant has confirmed that the cooking odour extraction will be installed in the existing chimney and that that fixed plant will not operate during night hours.”

They conclude that the Noise Rating Level of fixed plant at the nearest sensitive receptor locations will be below background sound level. However, in order to protect residential amenity conditions will need to be imposed in relation to the maximum sound power levels of the 3no. condenser units, positioning and the usage times.

The Odour Risk Assessment has been carried out in accordance with EMAQ’s Control of Odour and Noise from Commercial Kitchen Exhaust Systems, and the system which has been specified complies with the requirements of this document. Provided mitigation measures are implemented this should be sufficient to ensure no adverse impact to nearby sensitive receptors as a result of cooking odour.

There is the potential for disturbance to nearby sensitive receptors as a result of noise should they operate early mornings or late at night. The operating hours will therefore need to be restricted in order to protect these receptors.

In light of the above and subject to conditions it is considered that there will be, little if any adverse impact on the amenity of nearby residents by noise and odour from the commercial uses hereby approved. Therefore, the proposal complies with the relevant policies and guidance referred to above.

In order to ensure amenity matters are fully considered in the future, and given Class E uses are wide ranging, some of which may not be acceptable from an amenity aspect in residential areas, a condition limiting the new retail unit to Class E(a) and the restaurant to Class E (b) shall be appended to any approval. This will ensure that should any future change to other Class E uses are proposed they can be fully considered.

Highways

The August 2026 National Planning Policy Framework contains national decision-making policies relating to sustainable transport within Chapter 15 ‘Promoting Sustainable Transport’. These policies require transport impacts to be appropriately assessed and support development in accessible locations

whilst ensuring that impacts on the transport network and highway safety are satisfactorily addressed.

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel.

SP26 'Sustainable Transport for Development' states development proposals will be supported where it can be demonstrated that the proposals make adequate arrangements for sustainable transport infrastructure; local traffic circulation, existing parking and servicing arrangements are not adversely affected; the highway network is, or can be made, suitable to cope with traffic generated, during construction and after occupation; and the scheme takes into account good practice guidance.

The applicant has confirmed that the retail unit is to be ancillary to the restaurant and that the intention is that the unit will be served by small van type vehicle early in the morning and a delivery management plan has been submitted. The plan sets out how / when deliveries will be made to the site which may also require some parking bays being 'coned' off temporarily until delivery is complete.

The development management plan will be conditioned.

The applicant has indicated that staffing levels of each facility would be 2 full time and 1 part time, which is comparable to the operation of the public house.

With regard to the car parking provision, a layout that allocates 1 space for the residential element of the premises and 17 spaces for the restaurant and retail unit is provided. It is presumed that users of the both the restaurant and retail unit will use whichever spaces are available and as the parking standard for these types of facilities are a maximum, there is no issue in respect of the parking provision.

Therefore, subject to conditions there are no objections to the granting of planning permission in a highway context and as such the scheme complies with the relevant policies and guidance referred to above.

It is noted that there are concerns by local residents regarding the impact of the development on highway matters, such as congestion, parking on High Street, increase traffic movement and insufficient parking. Whilst these concerns are noted, the Council's Transportation Unit are satisfied that the level of development would not lead to congestion or an increase in traffic movements, and there is sufficient parking within the site to accommodate the uses. Accordingly, it is considered that there would not be an unacceptable impact on highway safety, nor would the residual cumulative impacts on the

road network, following mitigation, be severe. Subsequently a refusal on highway grounds could not be substantiated.

Ecology and BNG

The August 2026 National Planning Policy Framework seeks to conserve and enhance the natural environment through the national decision-making policies contained within Chapter 19 'Conserving and Enhancing the Natural Environment'. These policies support nature recovery, the protection of habitats and species, and biodiversity enhancement as part of sustainable development.

Policy CS20 'Biodiversity and Geodiversity' states: *"The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected, and measures will be taken to enhance these resources ..."*

Policy SP33 'Conserving the Natural Environment' states: *"Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery..."*

Policy SP35 'Protected and Priority Species' states: *"Planning permission for development likely to have a direct or indirect adverse impact on the following will only be granted if they can demonstrate that there are no alternative sites with less or no harmful impacts that could be developed and that mitigation and / or compensation measures can be put in place that enable the status of the species to be conserved or enhanced."*

RMBC Ecologist have reviewed the Preliminary Roost Appraisal (June 2026) and Bat Report (August 2026) documents submitted at their request to support this application and are satisfied that the submitted information provides sufficient information for determination of the application. These documents provide certainty for the LPA of the likely impacts on designated sites, protected and Priority species and habitats.

This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Other issues raised by objectors

The majority of the issues raised by the objectors in regard to design, impact on listed building and highway matters have been considered and addressed in the report. Two other concerns were raised by local residents in regard to there being no clear need for another retail unit and the risk of other businesses becoming unstable.

In respect of the need, this has been looked at through the sequential test and it has been deemed that a retail unit at this location is acceptable. In regard to the impact on other businesses, it is noted in planning case law that

competition is not a material planning consideration and as such little weight can be given to it in the planning balance of this application.

Conclusion

The proposed development delivers a flexible mixed-use scheme that will enhance the vitality of the site. It retains active ground floor uses, promotes a more efficient use of land through comprehensive redevelopment, and generates clear economic and social benefits for the area.

While the loss of the public house is acknowledged, this is outweighed by the introduction of diverse town centre uses and the significant overall improvement to the site.

Accordingly, the proposal aligns with the objectives of the Rotherham Local Plan and is consistent with the national decision-making policies of the August 2026 National Planning Policy Framework.

Design impacts are limited: the retail extension is modest in scale, and set well within the plot. It will not cause overshadowing or an overbearing impact on nearby homes. Subject to conditions, the impact on residential amenity would be acceptable and the proposal raises no highway issues.

Overall, subject to the recommended conditions, the proposal is considered to be in compliance with relevant national and local planning policies and guidance, accordingly the application is recommended for approval.

Conditions

General

01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the approved plans and documents (as set out below)

2478-02 REV C – Proposed Elevations

2478-03 REV E – Proposed Floor/Roof Plans

2478-07 REV C – Parking Plan

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those as detailed on the submitted plans and application form.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity.

Drainage

04

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed prior to works commencing on the extension hereby approved.

Reason

In the interest of satisfactory and sustainable drainage.

05

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority prior to works commencing on the extension hereby approved. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

Highways

06

Before the development is brought into use the car parking area shown on the submitted plan shall be provided, marked out and thereafter maintained for car parking.

Reason

To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

07

Deliveries shall be carried out in accordance with the submitted Delivery Management Plan, received 19 February 2026.

Reason

In the interest of highway safety.

General Amenity

08

The restaurant use hereby permitted shall only be open to customers between the hours of 12:00 and 22:00.

Reason

To safeguard the amenities of the occupiers of nearby properties.

09

The retail use hereby permitted shall only be open to customers between the hours of 07:00 and 22:00.

Reason

To safeguard the amenities of the occupiers of nearby properties.

10

There shall be no deliveries to the site between the hours of 21:00 and 07:00.

Reason

To safeguard the amenities of the occupiers of nearby properties.

11

The maximum combined sound pressure level (LPA) of the 3no. condenser units hereby approved shall not exceed 64dB(A) at 1m as specified in Table 2 of the Industrial/Commercial Noise Assessment, by Air Pressure Testing Limited, dated May 2026 (Ref: PA2133).

The 3no. condenser units shall be located as detailed in Figure 2 of the Industrial/Commercial Noise Assessment, by Air Pressure Testing Limited, dated May 2026 (Ref: PA2133).

Fixed plant shall only operate between the hours of 07:00 and 22:00.

Reason

To safeguard the amenities of the occupiers of nearby properties.

12

Except for the 3no. approved condenser units as detailed in the Industrial/Commercial Noise Assessment, by Air Pressure Testing Limited, dated May 2026 (Ref: PA2133) and the cooking odour extraction plant to be installed in the existing chimney, no other noise generating fixed plant including mechanical ventilation, air conditioning / refrigeration compressor units or extraction plant shall be installed in any part of the development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014+A1:2019 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational to achieve a maximum cumulative plant Noise Rating Level of no more than 0dB(A) above the prevailing background levels, outside the boundary of the nearest noise sensitive property.

Competent Person – Footnote

All noise assessments to be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk> / (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

Reason

To safeguard the amenities of the occupiers of nearby properties.

13

All cooking fumes shall be exhausted from the building via an extraction system to be submitted to and approved by the Local Planning Authority before installation. The system shall include as a minimum, grease filtration followed by either:

- Fine filtration or Electrostatic Precipitator (ESP) followed by carbon filtration (carbon filters rated with a 0.2-0.4 second residence time); or
- Fine filtration or Electrostatic Precipitator (ESP) followed by UV ozone system to achieve the same level of control as specified above

Extraction shall terminate at a minimum of 1m above the eaves of the building and at a minimum velocity of 15m/s. The extraction/filtration system shall be operated and maintained in accordance with the manufacturer's specifications. The system shall be operated effectively during cooking.

Reason

To safeguard the amenities of the occupiers of nearby properties.

Restrictions

14

The retail unit hereby permitted and as shown on drawing 2478 – 03 as 'New Shop' shall be used for Use Class E(a) only and for no other purpose

(including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, as amended.

Reason

The premises are not considered suitable for general use within the Class quoted for highway and amenity reasons

15

The restaurant hereby permitted and as shown on drawing 2478 – 03 within the existing building shall be used for Use Class E(b) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, as amended.

Reason

The premises are not considered suitable for general use within the Class quoted for highway and amenity reasons

Informatives

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in the Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

03

SY Police Designing Out Crime Officer has advised that the development should be built to secured by design (www.securedbydesign.com). They recommend that:

- All external doors must meet one of the following: PAS 24:2022, LPS 1175 SR 2, STS 201 or STS 202 BR2.
- Any glazing used at ground floor level must be laminated, all entrances should be well lit.
- The Car Park should be well lit with no dark areas; all landscape should be kept low to aid surveillance.

- Lighting design should be co-ordinated with any CCTV installation to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system.
- Light fittings should be protected where vulnerable to vandalism and the lighting scheme in line with standard BS5489.
- Any external bin stores should be lockable to prevent attempted arson attacks.

Positive and Proactive Statement

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2026/0697 https://rotherham.planportal.co.uk/?id=RB2026/0697
Enforcement Number	EN2025/0137
Proposal and Location	Demolition of existing garage and erection of two storey side extensions, two storey front extension, single storey side & rear extension, installation of solar panels to main pitched and flat roofs to rear, decking area to rear with steps, rendering of external walls and formation of additional highway access with new boundary wall, railing & gates at 17 Stafford Drive, Moorgate
Recommendation	(A) Grant Conditionally (B) Authorise Enforcement Action and Prosecution as appropriate

This application is being presented to Planning Board due to the number of objections received.



Site Description & Location

The application site relates to 17 Stafford Drive, Moorgate which is a two storey detached property in an allocated residential area consisting of relatively large two-storey detached dwellings with a variety of appearances and external materials within the surrounding area.

Background

Relevant Planning History:

RB2024/1502 – Two storey extension to gable sides, two storey & single storey front extensions, single storey rear extension and new boundary wall, fencing & gates (Granted Conditionally)

RB2025/1146 – Demolition of existing garage and erection of two storey extension to gable sides, two storey front extension, single storey side extension, single storey rear extension with ornate balcony above, decking area to rear with access ramp, render external materials and new boundary wall, fencing & gates (Refused). Enforcement action was authorised at this time requiring the removal of the first floor balcony that had been formed over the single storey rear extension, as well as a reduction of the projection of the two storey front extension to that approved under RB2024/1502, and the removal of all additional side windows to that approved.

RB2026/0218 – Demolition of existing 4 bedroom residential dwelling and erection of new 4 bedroom residential dwelling (Withdrawn)

The current application has been submitted in an attempt to regularise the breaches that have occurred on site, as well as proposing changes to parts of the extensions that were not considered acceptable in previous applications.

Biodiversity Net Gain (BNG)

The proposal is considered to be exempt from the BNG plus 10% requirement as the proposal is a householder application.

Proposal

This application consists of:

- Demolition of the existing side garage and erection of part-single, part-two storey side and rear extension
- Erection of dual-pitched two storey front extension
- Erection of raised decking to rear
- Installation of Solar PV panels to rear pitched and flat roofs
- Rendering of external walls with installation of insulation to front elevation

- Alterations and installation of fenestration including Juliet balconies to the first-floor rear elevation, additional windows in the side elevations, and rooflights
- Formation of additional highway access with 2m-high boundary wall and railings to the front boundary and 2no. access gates to the front boundary.

The two-storey side and rear extension would be provided with a dual-pitched roof with gable ends at first floor, the single storey rear extension would have a flat roof.

The two-storey front extension would be provided with a gable front, projecting 2.49m from the original front elevation and being 3.3m in width.

The raised decking would be 0.6m above ground level, would have a depth of 2.7m and would be sited between 3 and 3.3m from side boundaries. A 1.83m high glazed screen would be sited on either side.

The plans submitted show the overall height and width, when including both the pre-existing dwelling and the side garage, would remain the same.

The application is effectively seeking amendments to what was approved under RB2024/1502, these include:

- Erection of raised decking
- Rooflights and side windows for the loft. All side windows would be obscurely glazed
- Flat roof garage approved in RB2024/1502 has now been constructed as a habitable room with a roof lantern on the flat roof and the previously approved garage door is now infilled with windows
- Alterations to fenestration of on all four elevations of the dwelling including installation of rooflights on main roof whilst retaining two Juliet balconies to first floor rear elevation. Ground floor side windows would be obscurely glazed and fully non-opening
- The two single storey front extensions as approved under RB2024/1502 are now no longer proposed.
- Render and insulation would result in the principal elevation projecting approximately 0.12m from the pre-existing principal elevation
- The two storey front gable extension, which was constructed larger than approved in RB2024/1502, would be reduced to a maximum projection of 2.49m from the original principal elevation, approximately 0.15m more than approved in RB2024/1502. The front gable roof overhang would also be reduced.
- Existing hedgerows retained
- Erection of boundary wall, railings and gates to allow two highway accesses and 4no. parking spaces.
- Installation of Solar PV panels to the proposed rear pitched and flat roofs

Apart from the above elements, all other aspects of this application appear identical to that of RB2024/1502 and have been approved in such application.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site is allocated for residential purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

Core Strategy
CS28 'Sustainable Design'

Sites and Policies Document
SP55 'Design Principles'

Other Material Considerations

Supplementary Planning Document – 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council in October 2025.

The National Planning Policy Framework (as revised) states that 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'.

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

Adjacent neighbouring properties, and members of public who have commented on previous applications at the address have been notified in writing. Letters of representation have been received with 10 letters of objection and 7 letters of support.

Objectors have the following planning concerns:

- The first floor balcony would result in a loss of privacy to neighbours through overlooking
- The front extension is too large and overbearing which would not meet the 2-metre requirement in the SPD Householder Design Guide
- Velux windows on the loft are large and unnecessary which could allow a conversion to habitable room in the future

- The single storey flat roof side extension is too large
- The proposed vehicle access is too steep
- Planning breaches on site and the fact that this application is retrospective should be taken into account when assessing this application
- Roof of the flat roof rear extension should be sloped to prevent it from being converted into a balcony in the future
- The roof light installed on the flat roof side extension is too large and harmful to the street scene
- Additional windows would cause overlooking
- Conversion of garage impacts neighbour amenity
- Scale, massing and design not in keeping with the area
- Extended dwelling not in keeping with the street scene and does not follow the existing building line amongst neighbouring properties
- First floor windows would result in overlooking
- Second driveway is unnecessary
- Additional dropper kerb could reduce availability of on-street parking
- The roof lantern appears overbearing

Other issues have also been raised:

- The development has been constructed into neighbours' land and the red line boundary submitted to this application protrudes into neighbours' boundaries
- Objections from previous applications should be considered
- Works currently being carried out on site are causing disturbance
- Applicant did not comply with the previous permission the council should not therefore consider this application
- The Council-owned tree was damaged
- Neighbours' trees were damaged
- Other general safety and crime concerns

The letters in support consider that the proposals would be in keeping with the surrounding area. Other supporting comments also raised general support over the proposals.

14 Right to Speak Requests have been received in relation to the application at the time of writing the report.

Consultations

RMBC – Transportation Infrastructure Service: No objection subject to conditions.

Appraisal

Where an application is made to a local planning authority for planning permission... In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations in the determination of the application are:

- Design and appearance, including impact on the streetscene
- Impacts to neighbouring amenity
- Highway impacts
- Other issues

Local Plan Policy CS28 'Sustainable Design' states:

"Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping".

Local Plan Policy SP55 'Design Principles' sets out that development must be:

"Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

- a) the setting of the site, including the size, scale, mass, volume, height, orientation, form and grain of surrounding development;*
- b) that an assessment of local building materials, their colour and architectural detailing has been undertaken and submitted with the application;*
- c) the use of appropriate materials and landscaping and utilisation of natural features, such as topography, watercourses, trees, boundary treatments, planting and biodiversity to create visually attractive high quality development;*
- d) proposals reinforce and complement local distinctiveness and create a positive sense of place...*

- g) the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings and ensure that adjoining land or properties are protected from overshadowing.”*

The Council's adopted 'Householder Design Guide', October 2025, Design Guidance 1.1 notes:

“The size and design of extensions should be subsidiary to the existing dwelling and allow the original building to remain dominant. Matching roof styles should be used in any new extension proposals. It is important that an extension is in proportion with the existing house. In general, it should not dominate the house by being bigger, higher or set forward (towards the street). Extending a house in that way will make it look unbalanced and incongruous, particularly if neighbouring houses are similar in design and regularly set out.”

Design Guidance 2.4 of the Householder Design Guide SPD further notes:

“Front extensions are eye catching and can significantly alter the appearance of a building. In general, bay windows should be retained and on terraced and semi-detached properties single storey extensions that extend across the entire frontage and two storey front extensions will normally be refused. Front extensions should not harm the character and appearance of the host property or be of a design out of keeping with others in the street. The impact on the amenities of the neighbouring property should also be considered, and any front extension should project no more than metres, or 1 metre where it is within 2 meters of a neighbouring window.”

Regarding roof alterations, Design Guidance 2.11 states *“Loft conversions, or rooms in the roof-space, are often advertised as a simple way of providing extra living space. However, there can be problems. The following points should be considered:*

Increased overlooking of neighbours' properties can be a problem, especially with a bungalow where dormer windows in the loft can overlook previously private areas. The Council will be critical of all proposals which have a significant effect on neighbours' privacy.

Roof lights often do not require planning permission and are cheaper to install and maintain and will have less visual impact on the appearance of a house. They will also reduce possible overlooking problems.”

Additionally, Policy DP3 of the NPPF sets out key principles for well-designed places:

“Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural

features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate...

Principle of Development

The principle of the development has been established in the previous planning consent RB2024/1502 for a complete redesign of the pre-existing property at the application site. It was considered, in such previous planning consent, that *“Although the proposal does not comply with the guidance in the SPD, due to the host property’s position and surrounding properties which are of individual design, with some being extended and redesigned, it is considered that the proposal will not be materially harmful to the area.”*

As the principle of development has already been established in RB2024/1502, considerations and assessment can only be made in this application regarding the elements that are different from the previous planning consent. Accordingly, the main issues to be considered in the determination of this application are the impact on the character and appearance of the property and the street scene and on residential amenity of those changes.

Design and appearance

Alterations to fenestration

Rooflights and side windows have been installed serving the loft of the extended dwelling. Locations of window and door openings have also been altered with additional side windows as well as alterations to the locations of the two Juliet balconies on the first floor rear elevation.

Whilst it is noted that concerns have been raised over the impact of the rooflight on the single storey flat roof side extension to the street scene as well as suspecting the windows on loft level could allow future conversions of the loft to habitable space, the window and door openings submitted to this application are not considered to result in material harm to the character of the extended dwelling or the surrounding built environment, and any potential future conversions to loft cannot be considered.

Members of public are reminded that conversions to the loft including installation of new windows could usually be carried out under permitted development without planning permission. Front and rear windows could also be fully opening and clear glazed.

Loss of garage to form additional habitable space

The garage as approved in RB2024/1502 has instead been constructed as habitable living space with an extended dining room, and an enlarged ground floor bathroom and utility room. This alteration is not considered to have resulted in harm to the character of the dwelling and the surrounding area.

The Council considers the roof lantern to be an addition which would not result in harm to the character of the street scene.

Removal of single storey front extensions

The removal of single storey dual-pitched gable extensions at the front are considered acceptable on character terms which has not resulted in harm to the surrounding area.

Two storey front extension

Construction for the two-storey front extension appears to have been completed. As such front extension appears consistent with the plans submitted to the refused application RB2025/1146, this application proposes a reduction in front projection, with a maximum projection from the original principal elevation of 2.49m, which would still be approximately 0.15m more than the approved RB2024/1502. The front gable roof overhang would also be reduced.

It should also be noted that according to plans submitted to this application, the proposed render and insulation would result in the principal elevation projecting approximately 0.12m from the original principal elevation, and the two-storey front extension would therefore consequently project approximately 2.34m from the new principal elevation.

Concerns have been raised by members of the public that the front extension would still be too large as the SPD Householder Design Guide states than a maximum 2m-projection would be allowed, and the resulting dwelling does not follow the pre-existing building line amongst neighbouring properties. The previous application RB2024/1502 has already approved a front projection of more than 2m. With the projection being another 0.15m more than previously approved, it is not considered a significant change which would result in unacceptable harm to the street scene and would remain subservient to the main dwelling element.

Installation of solar PV panels

The proposed solar PV panels would be installed on the rear main pitched roof as well as the flat roof of the single storey rear element. Detailed specifications of the panels have been submitted to this application, and the applicant has also clarified that the five solar PV panels installed on the flat roof would be mounted at an approximately 20-degree angle by aluminium mounting rails and support frames finished in a grey colour. The proposed solar panels on the rear main pitched roof would be installed on the roof slope.

The installation of solar PV panels is considered acceptable on character terms.

Impacts to Neighbouring Amenity

Raised decking to rear

Regarding privacy, Design Guidance 1.3 states: *“Balconies, decking, raised patios, verandahs and windows serving habitable rooms such as kitchens, living rooms and bedrooms should be sited so that they do not directly look into the habitable windows of adjacent houses or their private gardens... Balconies can create an unacceptable loss of privacy and are usually unacceptable on semi-detached and terraced properties. Where they are proposed, they must be a minimum of 2 metres from any neighbouring boundary with appropriate screening to avoid any overlooking.”*

The application site, along with properties adjacent on Stafford Drive, are sited on a sloped surface which slopes down from the public highway. The previous, larger, decking was refused under RB2025/1146, and this proposal proposes a raised decking with a reduced depth of 2.7m from the rear elevation of the existing dwelling and would be set approximately 3-3.3m away from either side boundaries of the site with steps providing access to the rear garden. Approximately 1.83m-high glazed screens would also be installed on either side of the decking.

The proposed decking, with glazed screens installed to either side of the decking, is considered to be an acceptable addition which would not result in unacceptable levels of overlooking to neighbours on either side of the site and is considered acceptable.

Alterations to fenestration

With additional side windows on all levels of the extended dwelling and the dwelling being sited of close proximity to side boundaries of the site, to prevent any sideways overlooking to neighbouring properties, a condition will be imposed to ensure all side windows above ground floor level are obscurely glazed and non-opening up to 1.7m above floor level. The proposed ground floor side windows, due to their proximity to the side boundary, will be conditioned to be obscurely glazed and fully non-opening.

Should these conditions be complied with, it is considered the alterations to window and door openings are acceptable which would not result in unacceptable impact to neighbouring amenity.

Concerns have also been raised by members of the public regarding overlooking if a balcony is constructed on the flat roof rear extension in the future. A balcony is not proposed in this application, and any future erection of a balcony require additional planning permission.

Loss of garage to form additional habitable space

Windows have been installed to the front elevation instead of a garage door, and two side windows have also been installed, directly fronting the side boundary of 15 Stafford Drive.

No unacceptable impacts to neighbouring amenity would be caused by the additional front window, and as mentioned above all side windows above ground floor will be required to be obscure-glazed and non-opening up to 1.7m above floor level, and all ground floor side windows fully non-opening and obscurely glazed.

Members of public raised concerns that the roof lantern appears overbearing. The roof lantern installed at the flat roof side element, as it would be on the roof, no unacceptable privacy impacts would be caused. Its scale and location are also considered acceptable which are not considered to have resulted in an unacceptable overbearing impact to neighbours.

Members of public have also raised concerns that the conversion of garage impacts neighbour amenity, and the flat roof side extension is too large. The Council considers that the extension would remain subservient to the pitched roof main part of the dwelling, and it is considered that measures restricting side windows to be obscurely glazed and restricting windows from opening are sufficient to mitigate any possible overlooking impacts and would not warrant refusal.

Removal of single storey front extensions

The proposed removal of single storey front extensions is not considered to result in any harm to neighbouring amenity.

Two storey front extension

The increase in front projection of the two storey front extension is not considered to result in harm to neighbouring amenity.

Installation of solar PV panels

The proposed solar PV panels are considered an acceptable addition which would not result in harm to neighbouring amenity. The installation of solar panels on the single storey flat roof also further addresses neighbour concerns that the flat roof would not be used as a balcony.

Nevertheless, no balcony is proposed in this application, and any future proposals to use the flat roof as a balcony would be subject to additional planning permission in the future.

Highway Impacts

An additional highway access is proposed, and the proposed driveway would now accommodate 4no. parking spaces.

A 2m-high boundary wall and fence constructed of brickwork, iron railings, and two sliding gates constructed on black ironwork are proposed.

Design Guidance 2.10 of the Householder Design Guide SPD states: *“High front boundary walls/fences/gates create a poor street scene and can be visually oppressive... Tall boundary treatments can also adversely impact the attractiveness and useability of cycleways and footpaths.”*

High boundary walls and gates have previously been accepted in the previous planning consent RB2024/1502 however the approved non-close boarded timber has been changed to iron railings, with details provided on the submitted plans. This is considered acceptable which would not result in adverse harm to the openness of the street scene.

Concerns have been raised that the proposed vehicle access is too steep, a second driveway is unnecessary, and an additional dropped kerb could reduce availability of on-street parking.

No objections have been raised by the highways officer regarding parking as the proposed additional driveway would allow more vehicles to be parked off-street which would alleviate on-street parking pressures. No concerns have also been raised by the highways officer regarding the gradient of the proposed driveway.

Whether a second driveway is unnecessary cannot be considered as part of a planning application as the Council does not have a planning policy restricting owners of residential properties to have a single driveway. It should also be noted that a number of properties within the surrounding area consist of two highway accesses. Furthermore, Stafford Drive is an unclassified highway and as such Highway Officers have no objections in this instance to the additional access.

The provision of an additional highway access and dropped kerb are subject to further permission under the provisions of the Highways Act 1980.

Other Matters

Several letters of representation questioned whether the application would comply with plans submitted to this application should permission be granted and requested the Council to take consideration of the enforcement records of the site as well as raising questions whether the Council should even accept the applicant from submitting any new applications.

Speculations have also been raised about future potential issues or further planning breaches and expressed that the Council should take objections from previous applications into consideration.

Members of the public are advised that local planning authorities cannot reject any persons from submitting planning applications and all applications are assessed on a case-by-case basis based on the proposal presented before

them. Speculations for any potential future issues at the site and public representations submitted to other planning applications cannot be considered.

The site is also subject to ongoing enforcement investigation.

The description of the site has been amended to ensure the description accurately reflects all elements of the proposal. Amended drawings have also been received providing a minor amendment to confirm the material of the proposed boundary treatment, an amendment to the side windows, as well as installation of Solar PV Panels. Members of public have been reconsulted regarding these changes.

In terms of land ownership issues, similar to the previously refused application RB2025/1146, a Location Plan with an enlarged red line boundary has been submitted with this application, raising concerns that neighbouring land has been occupied.

The applicant states that land within the submitted red line boundary is fully within his ownership, and there is an ongoing legal dispute regarding land ownership.

Whilst the applicant has the responsibility as part of a planning application to declare land ownership, the Local Planning Authority could not question the applicant's claim regarding land ownership, as this is a civil matter.

Any boundary or land ownership issues should be addressed through legal means.

Members of public have also raised concerns over the Council-owned tree that was previously damaged during the construction of the extensions carried out on site. The Council's Tree Service removed the tree due to safety concerns and a new tree has been planted in a nearby location, albeit now closer to the streetlighting column. The Local Planning Authority has consulted the Trees and Street Lighting departments of the Council, and no concerns have currently been raised regarding this.

A member of public has also raised concerns over the proximity of the new tree to the streetlight. This is a separate process with the Trees and Street Lighting departments of the Council and cannot be addressed as part of a planning application.

It should be emphasised that the applicant has a responsibility to ensure all other non-planning-related legislation and requirements are complied with throughout development, including the Highways Act and avoiding damage to Council property. The applicant may be liable to fines or charges should Council-owned properties be damaged. Members of public are reminded that these issues are not related to the provisions of the Town and Country Planning Act and cannot be considered in this planning application.

Further concerns have been raised by members of the public that the dwellinghouse would not be in keeping with the surrounding area. This dwellinghouse, apart from the above elements which are considered acceptable and in accordance with Local Plan Policies CS28 and SP55, remains largely similar in massing and scale terms to the previously approved application RB2024/1502.

Conclusion

Having considered the impacts of the overall changes to the dwellinghouse when compared to RB2024/1502, it is considered that such changes are considered acceptable and would not result in an appearance materially harmful to the character of the surrounding residential area, which consists of dwellinghouses of a variety of appearances. No unacceptable levels of overlooking or overbearing impacts would also be caused as a result of the proposal that would warrant refusal of this application.

As such the overall development is considered to accord with all relevant local and national planning policies and is therefore recommended for approval subject to the conditions.

Enforcement

Planning breaches have been identified at the site and enforcement action has been authorised under application RB2025/1146 for the removal of the balcony that had been formed, removal of all side windows, and the completed development to accord with plans approved under RB2024/1502 (including reduction in depth of the two storey front extension).

Extensive works have been carried out at the site, and the site remains fenced off and currently uninhabited. The current scheme does not include a balcony, no balcony was constructed and nor has the decking that was previously refused.

The building currently contains ground floor side windows that are fully opening and the latest plans show these to be replaced with obscurely glazed and non-opening ground floor side windows. Recommended condition 5 relates to the requirement for such windows.

This leaves the two storey front extension that has been built without permission, and is larger than the extension currently proposed. In view of the recommendation to grant planning permission to this current application, enforcement action should be taken to ensure that the development, when completed, would strictly comply with plans approved under this latest permission. This includes a reduction of the depth of the front extension.

When considering Enforcement Action, Members must also have regard to Article 1 of the First Protocol of the European Convention of Human Rights under which every person has a right to peaceful enjoyment of his

possessions, except in cases where those rights are outweighed in the public interests.

The Service of an Enforcement Notice is an interference with the rights of the person named in this report. However, the interference is justified as in this case it is considered that some planning breaches that have occurred at the site do not have planning permission and are considered to be contrary to Local Plan Policies and the guidance in the NPPF.

Therefore, the legitimate aim is of protecting the “rights of others” through the preservation of the environment. It is also considered that the interference is both necessary and proportionate. In conclusion the infringement of human rights is considered necessary for the preservation of the environment in the interests of the community.

Considering the above, the Council should take enforcement action in order to ensure that the development at the site, when completed, would comply with the plans approved under the current application, RB2026/0697, which includes the reduction of the projection of the two storey front gable extension, with a compliance period of 6 months from when any enforcement notice served comes into effect. It is also recommended that, where the Enforcement Notice is not complied with within the relevant timescales, Prosecution action be authorised.

Recommendation

(A) Planning permission be granted with the following conditions:

Conditions

01

The permission hereby granted shall relate to the area shown outlined in red on the approved location plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the approved plans (as set out below)

- Location Plan, drawing number DW09 REV 02
- Proposed Block Plan, no drawing number
- Existing and Proposed Layout Drawings, drawing number JBA.4438.101.A, amended plan received on 06.08.2026
- Existing and Proposed Elevations Sheet 1, drawing number JBA.4438.102.B, amended plan received on 06.08.2026
- Existing and Proposed Elevations Sheet 2, drawing number JBA.4438.103.B, amended plan received on 06.08.2026
- Landscaping and Street View, drawing number JBA.4438.104.C, amended plan received on 06.08.2026
- Solar PV specifications, titled ‘NEOSTAR 3P+60w Dual-Glass Module 530W-550W

Reason

To define the permission and for the avoidance of doubt.

02

The materials to be used in the construction of the external surfaces of the development, the boundary treatment and landscaping hereby permitted shall be in accordance with the details provided in the submitted application form and shown on approved drawing number JBA.4438.104.C.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity.

03

Prior to the decking hereby approved being brought into use, the proposed screening panels as indicated in approved drawing numbers JBA.4438.102.B and JBA.4438.103.B shall be installed. The screening shall thereafter be retained in perpetuity unless otherwise agreed and approved in writing by the local planning authority.

Reason

In order to safeguard the amenity of neighbouring occupiers.

04

Prior to the development being brought into use, the windows on the first floor and loft side elevations of the development hereby approved shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed. The windows shall be permanently retained in that condition thereafter.

Reason

In the interests of the amenities of the occupiers of adjoining properties.

05

Prior to the development being brought into use, the windows on the ground floor side elevations hereby approved shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable. The windows shall be permanently retained in that condition thereafter.

Reason

In the interests of the amenities of the occupiers of adjoining properties.

06

All gates shall be hung so as not to encroach into the highway when open or being opened.

Reason

In the interests of highway safety.

07

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

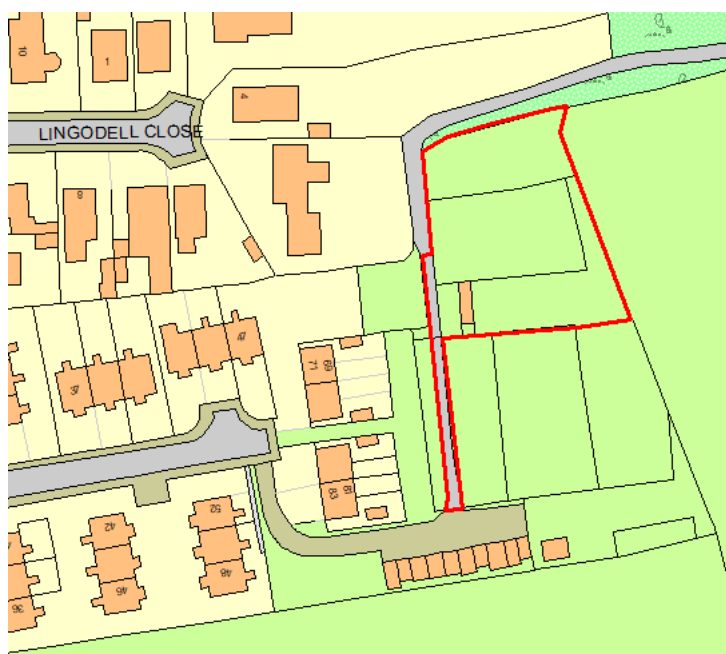
POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

(B) That the Planning Board in conjunction with the Director of Planning Service, authorise the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990, on the OWNER/OCCUPIER of, and anyone else having a financial interest in, the land at 17 Stafford Drive, Moorgate, Rotherham, S60 8DQ, requiring the reduction of the projection of the two storey front extension to that approved under RB2026/0697, with a compliance period of 6 months from when any enforcement notice served comes into effect. Prosecution is also authorised should the appropriate steps not be carried out within the specified time period.

Application Number	RB2026/0709 https://rotherham.planportal.co.uk/?id=RB2026/0709
Enforcement Number	EN2026/0035
Proposal and Location	Change of use of land from agricultural holding to small animal rescue facility and siting of associated pens (Sui Generis) at Land at Kingswood Avenue Laughton en le Morthen Rotherham (Retrospective)
Recommendation	Grant Conditionally

This application is being presented to Planning Board due to the number of objections received.



Site Description & Location

This application relates to an area of land which is located to the rear of residential properties on Kingswood Avenue at Laughton en le Morthen. The land is within the Green Belt and is part of an established small holding.

The land immediate to the south of the application site is also within the applicant's ownership and is indicated to be disused other than as a recreation area for the applicant's dog when he visits. The remainder of the land is used as a smallholding, (currently indicated to be 3 no. goats, 32 hens and a cockerel).

The applicant owns the land and currently allows a local small animal rescue charity to occupy part of it.

Vehicular access to the site is through a garage site at the end of Kingswood Avenue, the applicant has indicated that he has a right of access over this

land and the access road to the rear of the residential properties. Two parking bays are indicated to be located within the site.

The site currently contains a large shed (for which planning permission has previously been granted) and various timber and mesh animal/bird enclosures and a small enclosed pond.

Background

RB2018/0583	Erection of building for agricultural use - Granted conditionally
RB2023/0889	Change of use of land to dog and horse training – Withdrawn
RB2023/1697	Use of land for dog training facility and construction of associated off road parking – Refused and dismissed at appeal.

Reasons for refusal:

01

The formation of the parking area and the potential fencing surrounding the training area would have a detrimental impact on the openness of the Green Belt in this location and lead to an encroachment into the countryside, and as such, would represent inappropriate development in the Green Belt. No very special circumstances have been demonstrated to justify the harm caused, and any other harm.

02

It is considered that the proposed use would result in an adverse impact to nearby residents, the applicant has failed to provide a noise impact assessment as requested detailing the suitability of the site and any necessary mitigation measures required to reduce such impact. As evidence has not been provided it is therefore considered that the proposed use is likely to result in noise disturbance to nearby occupiers.

Proposal

This application is retrospective and seeks full planning permission for the retention of the existing small animal rescue facility that has been set up on the land. The submitted details indicate that this use commenced on 15 May 2024 and has been operating since that time without planning permission.

A number of timber pens, small animal shelters and aviaries have been sited on the land which is being used by a local animal rescue and rehabilitation charity which is known as the South Yorkshire Terrapin and Tortoise Rescue.

The submitted Planning Statement indicates that they have recently broadened the scope of their care to include other small animals and birds of prey that are in need of care and rehabilitation.

The variety of animals on site will vary depending on the animals presented for care, but the current occupiers at the time of the application submission have been confirmed to be:

30 x Chickens
10 x Quails
1 x Falcon
10 x Barn Owls
1 x Bengal Owl
1 x Great-Horned Owl
2 x Little Owls
4 x Spotted Eagle Owls
2 x Golden Pheasants
2 x Spectacled Owls
3 x Tropical Screech Owls
2 x Juliana Pigs
3 x Goats (small)
3 x Wallabies (small Parma wallabies)
2 x Emus (baby) (to be re-homed as soon as possible)
1 x Alligating Snapping Turtle
4 x Guinea Pigs
5 x Ducks
4 x Ferrets
5 x Rabbits
45 x Tortoises (small)
4 x Sulkata Tortoises
4 x Leopard Tortoises
2 Meercats

The submitted information indicates that members of the public previously were able to arrange group visits to the site but that this has now ceased and is restricted to potential adopters on an appointment only basis, in addition to volunteers who care for the animals. The Rescue owner has been informed that visitors to the site other than volunteers and adopters would not be allowed in the future if planning permission is granted and this does not form part of this application.

The following documents have been submitted in support of the application:

- Planning Statement
- Letter from Council animal welfare officer
- Copy of licences

The submitted Planning Statement explains that: “All animals brought to the facility are nurtured and housed until they are well enough to be returned back into the wild, into supported care, adopted, go home, or are returned to a sanctuary elsewhere off-site etc. Each case is unique.”

The cages are noted to be easily moveable to meet the needs of the animals on site, have no foundations and rest on the ground. Other unauthorised structures on site are indicated to be the 2.5m high chicken wire fence around the wallaby pen. These structures are required in connection with the proposed use of land.

In addition, there is also a wind turbine and solar panels, and the applicant has been informed that planning permission is required for these. He has stated that if this application for the change of use is approved then a separate planning application will be submitted to regularise them, or they will be removed.

The submitted statement and further information received by email includes the following details

- There is no lighting on site
- The rescue is licenced as an Exotic Animal Rescue
- They also have:
 - Natural England license to keep and transport certain invasive species (2 pages)
 - Animal Transporter authorisation
 - RSPCA Action Plan from 2024 that detailed 3 points to address in order to be a registered private boarding establishment – all were met and the RSPCA now drop off animals in need
 - Certificate of exotic animal care
- There is CCTV on site to monitor the animals when no-one is present.

Further information received indicates that the licence that they hold is specific to the operator, not the property, and that you do not need a licence to keep common exotic pets unless they are dangerous. Dangerous animals are classified as primates, wild cats, venomous snakes, crocodilians and large constrictors. The applicant is aware of this legislation and does not keep any animals defined as dangerous on the site.

Animal Welfare officer letters:

These confirm a recent visit to the site from the Council’s Animal Welfare officer in May 2026 and lists his findings and recommendations. He has raised no concerns with this application.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham’s Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site is allocated for Green Belt purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS4 'Green Belt'

CS27 'Community Health & Safety'

SP2 'Development in the Green Belt'

SP52 'Pollution Control'

WS7 'Managing waste in all Developments'

Other Material Considerations

Supplementary Planning Document SPD 3 'Development in the Green Belt'

Supplementary Planning Document SPD 12 'Transport Assessments, Travel Plans and Parking Standards'

The NPPF (as revised) states that *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."*

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. Letters of representation from 13 individuals have been received 6 raising objections, 4 in support and 3 with observations.

The concerns raised can be summarised as follows:

- Increased vehicular movements, highway safety, emergency vehicle access and existing parking issues, no traffic or highway assessment submitted.
- Proposed use not in keeping with the rural character of the area, inappropriate development in the Green Belt.
- Structures on site harmful to the openness of the Green Belt, are an eyesore and a fire risk.
- Insufficient information regarding waste disposal, drainage and environmental management. Problems with flies, smells, noise and litter issues.
- Neighbour amenity and privacy, use of CCTV cameras.
- Organised groups visiting site.
- No toilets, running water and welfare facilities on site. Risk of disease from the animals
- No animal welfare or vet on site.
- Not a viable business without visitors.

- Dog training continues on site 2 -3 times a week and no noise assessment submitted.
- Application states low intensity operation this does not reflect the true nature with numerous volunteers and vehicular movements.
- Concerns if regularly open to the public.
- Unclear what constitutes 'small' animals.
- The view was one of the main reasons I purchased the property.
- Who would monitor any conditions imposed.
- Fire risk, electrical supply being connected from a nearby bungalow.
- Problems with escaped animals and inadequate containment
- Concerned about the welfare of the animals which are left without proper supervision and no care in recent hot temperatures.
- Conclusions from consultees reached on basis of applicants' submission rather than detailed independent assessments or evidence.
- Operating more as a permanent sanctuary or a long term holding facility which alters the planning balance.
- Concerned with access and parking issues and the ability to turn within the site.
- Use of the access track will result in an impact on neighbours living immediate adjacent to the track.
- Previous refusal and appeal determined that the site not suitable for animal related facility.
- Restrictive covenants on the land
- Application for a temporary use but media coverage confirm it is a permanent facility.

Laughton en le Morthen Parish Council have raised the following concerns:

- The Parish Council recognises the important work undertaken by animal rescue organisations. However, the Council does not consider that the submitted application has demonstrated that this particular site is suitable for the proposed use, having regard to its Green Belt location, its relationship with neighbouring dwellings, the constrained access arrangements, the lack of permanent supervision on site, and the absence of clear, enforceable limits on the scale and operation of the facility.
- Inappropriate development in the Green Belt no very special circumstances demonstrated.
- Impact on the openness and visual amenity of the Green Belt from visual clutter of buildings.
- Scale and range of animals: Different species have different implications.
- Containment, escape risk and site security: A detailed animal escape and emergency management plan is required.
- Residential amenity and lack of permanent supervision: Residents affected by any noise, distress, escape, odour, vermin, lighting, security issue or other incident arising from the site.
- Access, parking and public/adoption visits: Local concerns about Kingswood Avenue, the private/unmade access, parking pressure and the potential for visitor/adoption appointments

- Lack of clear operational limits: No clear maximum animal numbers by species, no clear maximum number or size of enclosures, no clear limit on structures, and no submitted detailed operational management plan.
- Request for site visit by Planning Board members.

The letters of support can be summarised as follows:

- An animal rescue is a great idea for this small local community.
- A great idea, no objections.
- There are no issues with parking, noise or odour, this is a better option for residents than an agricultural use.
- Has been operating for a number of years without any objections.

A letter of support from the MP (Jake Richards) has also been received which states that this is a small non profit, no kill rescue that provides an important local service and contributes positively to animal welfare in the community.

Observations

- Application is retrospective with buildings and wind turbine on site.
- Noise from cockerels from previous use of site so would request no dogs or cockerels to be kept on site.

Letters in response to the objections made have been submitted by the applicant's agent and by the site operator and include the following details:

- The use under review has minimal traffic generation
- The landowner has made the limitations clear to the operator
- The rescue use has no greater impact than the previous smallholding
- There is no lighting on site
- The waste from the site is removed by the volunteers regularly in sealed containers and disposed of appropriately and ecologically
- The structures on site are of a temporary nature and can moved/adapted to suit requirements
- There is no signage on site
- The animals on site are not known for their voluminous sounds, noise generating animals such as peacocks have been refused recently.
- Renewable energy from wind turbines/solar panels has been used without the benefit of planning permission and this will be rectified if the current application is approved. An electricity supply from a nearby property is being supplied as a more permanent connection.
- Toilet and washing facilities for volunteers is available on site.
- There are two main volunteers with 5 other trained volunteers available to cover when necessary
- Additional land is available in the adjacent paddock if required for turning purposes.
- A significant proportion of the objection is based upon assumptions regarding what may happen in the future rather than the actual planning merits of the proposal before the Local Planning Authority.
- Most of the structures comprise lightweight timber shelters, mesh aviaries and animal pens that are directly related to the welfare of rescued animals. They occupy only a limited proportion of the site and

are substantially smaller than many forms of agricultural development commonly accepted within rural areas.

- The presence of a wide range of species does not indicate that all are present simultaneously or that the operation is large in scale. The rescue remains a modest operation run primarily by the operator with volunteer assistance where required.
- Dogs are not accommodated and activities are generally confined to daytime hours.
- The operator regularly attends the site, maintains emergency contact arrangements and remains available whenever welfare issues arise.

At the time of writing this report 3 Right To Speak requests have been received from the agent, an objector, and the Parish Council.

Consultations

RMBC Transportation Unit: Requested a plan to show the proposed parking bays, this has been submitted with further information stating that all previous visits by members of the public have now ceased and will not resume. They note that the facility will have 2 volunteers visiting the site on a regular basis though the times and days are not fixed, and that 2no car park spaces are provided for these volunteers. Rescued animals will be brought to the facility via a small van on an 'as and when' basis, though the applicant has indicated that this will be no more than 1 visit per day on average. As such, they consider that the traffic movements associated with this site is minimal. They raise no concerns in a highway context.

RMBC Environmental Health: Consider that there is the potential for disturbance to nearby sensitive receptors should dogs be kept at the proposed animal rescue facility. There is also the potential for odour nuisance and vermin should animal waste not be disposed of in an appropriate manner. In light of this they recommend conditions be imposed should planning permission be granted.

RMBC Ecology: Satisfied that the submitted information provides sufficient ecological information to assess any likely impacts on protected species.

RMBC Animal Welfare officer: Confirms that he has visited the site numerous times, including once with a senior veterinary surgeon, and confirms that all the animals are well cared for and all animal health and welfare legislation is being complied with.

Appraisal

Where an application is made to a local planning authority for planning permission...In dealing with such an application the authority shall have regard to –

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- © any other material considerations. – S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise – S.38 (6) PCPA 2004.

The main considerations in the determination of the application are:

- The principle of the development in the Green Belt
- Neighbour amenity
- Highway issues
- Biodiversity no net loss
- Other issues raised by objectors

The principle of the development in the Green Belt

The site is located within the Green Belt. Local Plan Policy SP2 'Green Belt' states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

Policy SP2 'Development in the Green Belt' reinforces the above and states that in considering planning applications for new development proposals should minimise the impact on the openness of the Green Belt.

The National Planning Policy Framework (NPPF) at GB2 states the five main purposes of including land in the Green belt these are

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

GB6 states that: *Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposed development, is clearly outweighed by other considerations. In making this assessment, substantial weight should be given to the harm to the Green Belt which would be caused, including harm to its openness.*

The NPPF quotes various exceptions to the above however this proposal does to fall within any of those listed and is therefore inappropriate development in the Green Belt. As such very special circumstances needs to be demonstrated to justify this application.

Concerns have been raised by local residents and the Parish Council that the proposed use is out of character with the rural nature of the area, constitutes

inappropriate development within the Green Belt, and that the structures on the site adversely affect the openness and visual amenity of the Green Belt.

It is considered, however, that the proposal satisfies the very special circumstances test. The nature of the use is such that it is particularly well suited to a rural setting and would be difficult to accommodate in a more urban location. Furthermore, the use has similarities to the site's former agricultural function and to the adjacent smallholding, where animals continue to be kept. Significant public benefits also arise from the rescue, rehabilitation and rehoming of animals, which weigh in favour of the development.

In addition, it is considered that the structures on the site are of a temporary nature and have only a limited impact on the openness of the Green Belt. It is not considered that they result in urban sprawl or materially undermine the visual character and appearance of the surrounding countryside.

However, conditions are recommended if planning permission is granted to restrict the built form on site and to require the removal of all temporary structures if the use should cease.

Neighbour amenity

Whilst the site is located in the Green Belt it is on the edge of a residential area with residential properties in close proximity.

Policy CS27 Community Health and Safety states that *“Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.*

Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality:

Policy SP52 ‘Pollution Control’ notes that: *“When determining planning applications, particular consideration will be given to (amongst others);*

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.”*

The NPPF at TR4 states that Planning policies and decisions should (amongst others)

- c. Ensure that the arrangement of streets and other routes help to create places that are safe, inclusive and attractive for all users (particularly for women and girls, for other groups who may be vulnerable to crime or the fear of crime, and for those with limited mobility).*

Numerous concerns have been raised by local residents and Laughton en le Morthen Parish Council with regard to visits from the volunteers and the general public, lack of permanent supervision of the animals, their containment, noise, vermin and impact on residential amenity.

The site operator and the applicant's agent have provided detailed information regarding the operation of the site. They have confirmed that, prior to the submission of this application, members of the public were invited to arrange visits to the site. However, they advise that this practice has now ceased, and access is restricted to the site operator, trained volunteers, and individuals attending the site for the purposes of surrendering or adopting animals. In addition, visits are undertaken by animal welfare officers and veterinary professionals as required.

The submitted information indicates that the site is subject to continuous CCTV monitoring and that daily visits are undertaken to care for and check the animals. The operator has advised that visits are generally carried out during daytime hours wherever possible in order to minimise disturbance to nearby residents. However, occasional visits may be necessary during the night in response to animal welfare issues or other unforeseen circumstances. As there is no lighting installed on the site, torches are used when attendance is required outside daylight hours.

Environmental Health officers have assessed the proposal and consider that there is the potential for disturbance to nearby sensitive receptors should dogs be kept at the animal rescue facility. There is also the potential for odour nuisance and vermin should animal waste not be disposed of in an appropriate manner.

The operator has stated that waste that is not composted is removed from the site by the volunteers regularly in sealed containers and disposed of appropriately and ecologically.

No dogs are kept on site and they state that the animals on site are not known for their voluminous sounds and they have recently refused to take a pair of peacocks due to potential noise issues.

They also state that they carry out vermin control and that the birds of prey on site are known to scare off and eat rats and mice, therefore they consider that the rescue centre reduces the amount of vermin coming in from the adjacent fields.

Conditions to restrict various animals, control the removal of waste, control/prevent the use of lighting or generators and control the visits to the site are all recommended to safeguard the amenity of nearby residents.

An emergency contact number to be advertised on site is also recommended and the operator is in the process of establishing an emergency escape plan in consultation with Lincolnshire Wildlife Park.

Taking all of the submitted information into account, it is considered that this relatively small animal rescue site can be adequately managed by the imposition of the recommended conditions to prevent any detrimental impact on nearby residents by way of noise and odour issues.

Highways issues

The site is accessed from Kingswood Ave via a garage court and an access track to the rear of several residential dwellings. The access is understood to be in the Council's ownership and the applicant has stated that he has a right of way over it to access his land.

Local Plan Policy SP26 'Sustainable Transport for Development' states that: "Development proposals will be supported where it can be demonstrated that: (amongst others);

b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;

c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;

The NPPF at TR6 states: *"Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion."*

Objections to the proposal have been received relating to the access to the site, parking pressure on nearby streets and the impact on nearby residents.

The applicant has stated that he has a right of way over the garage court and the access track. Two parking spaces within the site have been identified on the submitted plans and adjacent land within the applicants' ownership can be made available if a turning area is required.

The operator has stated that there will be daily visits from two volunteers and that rescued animals will be brought to the facility via a small van on an 'as and when' basis, although no more than one a day are anticipated. No public access is proposed, with the exception of potential visitors to the site for adoption purposes only. These visits should be made by appointment only and no visits should overlap.

The restriction of visits by the general public should remove the need for additional parking in the area.

Conditions restricting access to the site by members of the public, along as those relating to the surfacing of the access and the provision of a turning facility, are recommended.

Subject to the above the highway's officers raise no concerns in highway terms.

Biodiversity no net loss

The proposal is exempt from the BNG requirements as it is retrospective however they should still establish no net loss of biodiversity. The structures on site, being temporary are not considered to impact significantly on the biodiversity of the area and the creation of an animal rescue to preserve both domestic and exotic animals and local wildlife is considered to mitigate against any potential loss.

Other issues raised by objectors

Other concerns raised by local residents and the Parish Council include:

- *No animal welfare or vet on site*

Concerns have been raised regarding the welfare of animals kept on the site, particularly given the absence of a permanent on-site presence and during the recent period of exceptionally hot weather. The site is monitored by CCTV, and the operator resides approximately 10 minutes away, enabling regular oversight and prompt attendance when required.

The Council's Animal Welfare Officer has visited the site on several occasions, including during the recent hot weather, accompanied by a veterinary professional. Following these inspections, it was confirmed that all animals had access to water and no welfare concerns were identified.

The operator has also advised that many rural, agricultural and equestrian enterprises operate successfully without a permanent on-site presence. Furthermore, although the site is not connected to a mains water supply, measures are in place to ensure that animals have continuous access to an adequate supply of clean, fresh water.

- *Not a viable business without visitors*

The landowner has made the site restrictions clear to the operators, they have stated that they have a charity shop in Wales Park to raise funds.

- *Loss of a view*

There is no right to a view over some-one else's land and most of the enclosures on site are not sited directly behind residential properties.

- *Fire Risk from electrical supply from neighbouring property*

The applicant's agent has confirmed that a nearby resident has given the site access to their electrical supply and that an underground cable has been laid to serve the site. The safety of this supply is the responsibility of the site owner/operator and cannot be assessed by the Planning Service

- *Scale and range of animals, no clear maximum numbers by species*

The proposal is described as a small animal rescue. While the term small animals can be difficult to define precisely, the range of animals currently kept

on site is considered acceptable. The wallabies present on the site are understood to be Parma wallabies, a small species of marsupial macropod. It has been stated that their presence is unusual; however, it has been explained that they are being cared for at the rescue because they would otherwise have been euthanised. The animals are elderly, and one has an injury requiring ongoing care.

It would be impractical to regulate the number and type of animals kept on site. However, it is considered that limiting the amount of built development on the site would inherently restrict the number of animals that could be accommodated at any one time.

The site does not keep any animals that are classed as dangerous (a licence would be required to keep such animals) these would include; primates/wild cats/venomous snakes/crocodilians/large constrictors.

- *Lack of emergency escape plan*

The applicant's agent has advised that, with the exception of the three small-breed wallabies kept at the site, the likelihood of animals escaping is very low given the nature, size and mobility of the animals accommodated. It is acknowledged that the wallabies have escaped on a previous occasion. However, following advice received from the RSPCA that a double-fence arrangement should be installed to prevent further escapes, the operator has implemented this measure.

The operator has also confirmed that they are working with Lincolnshire Wildlife Park to prepare both an emergency closure plan, in the event that planning permission is refused, and a comprehensive animal escape strategy to ensure that appropriate procedures are in place should any animal escape its enclosure.

- *Lack of privacy due to CCTV*

The operator has stated that the CCTV is only for monitoring the land within the site to ensure the welfare of the animals when no-one is on site.

- *No toilets, running water and welfare facilities on site.*

The site operator has confirmed that there are staff toilets on site and hot and cold water is also provided. The water is heated via the existing solar panels on the roof of one of the pens

- *Previous refusal and appeal determined that the site not suitable for animal related facility*

A previous application for a dog training facility was refused and dismissed at appeal. The council and the Planning Inspector considered that the use of the land for dog training would result in noise and disturbance to nearby residents and that the proposed parking facility for 8 cars would be inappropriate development in the Green Belt. This facility does not include the rescue of dogs and a condition is recommended to prevent this to safe-guard the residential amenity of nearby residents. The use of the land to access the site and provide two off road parking spaces is not

considered to have a detrimental impact on the openness of the Green Belt.

- *Restrictive covenants on the land*

Any legal covenants on the land are not material planning considerations and would need to be addressed separately by the applicant and would not prevent planning permission from being granted.

- *Application for a temporary use but media coverage confirm it is a permanent facility*

The application is not for temporary use and has not been described as such

- *Risk of disease from the animals on site.*

The animals have been inspected by the Councils animal welfare officer and a vet and no concerns have been raised.

Conclusion

The proposed change of use constitutes inappropriate development within the Green Belt. However, for the reasons set out above, it is considered that very special circumstances exist which justify the continued use of the site. The proposal would not significantly adversely affect the visual amenities of the area, the openness of the Green Belt, or the purposes for which the land is included within the Green Belt.

While concerns have been raised by local residents and the Parish Council, it is considered that, subject to compliance with the recommended planning conditions outlined below, the rescue centre can operate without causing significant unacceptable harm to the residential amenity of neighbouring occupiers.

In addition, given the limited number of vehicle movements expected to be generated by the development, the proposal is not considered to result in any adverse impact on highway safety or the operation of the local road network.

The application is recommended for approval subject to the recommended conditions set out below.

Conditions

01

The permission hereby granted shall relate to the area shown outlined in red on the approved location plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the approved plans set out below

Drawing nos NP01-01 Received 17 May 2026

Reason

To define the permission and for the avoidance of doubt.

02

The temporary built structures on site shall not exceed 50% of the area of the land within the red line boundary and none shall exceed 3m in height.

Reason

To safeguard the openness of the Green Belt and to limit the capacity of the site in terms of animal numbers.

03

Visits to the site shall be restricted to the operators and volunteers and there shall be no access to the general public other than for pre-arranged visits for adoption purposes only with no visits overlapping. A log of all adoptee's visits shall be maintained and made available for scrutiny.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and the NPPF

04

At no time shall any dogs be kept at the animal rescue facility.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and the NPPF.

05

No animals requiring a licence under the [Dangerous Wild Animals Act 1976](#) shall be kept at the site.

Reason

For the avoidance of doubt and in the interests of amenity

06

The facility shall be operated at all times in such a manner so as to prevent odour, and the attraction of insects and vermin due to animal waste, adversely affecting nearby sensitive receptors. Measures shall include the regular removal and appropriate disposal of animal faeces and soiled bedding, and the proper storage of waste materials in suitable waste receptacles. Records of waste removal shall be kept for a minimum of two years and be made available to the Local Planning Authority upon request.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and the NPPF.

07

No manure or waste materials shall be burned upon the land within the application site.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 the NPPF

08

No lights shall be erected on site without the prior submission and approval by the Local Planning Authority of a Lighting Scheme.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and the NPPF

09

No generators shall be used on site at any time

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and the NPPF

10

At no time shall there be any retail sales from the site

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and the NPPF

11

Following the cessation of the use hereby approved all temporary structures shall be removed from the site and the site restored to open land.

Reason

In the interests of the visual amenity and openness of the Green Belt

12

The operators of the site shall maintain an Emergency animal escape plan and details of an emergency contact shall be provided at the entrance to the site

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and the NPPF

13

Within one month of the date of this approval being granted, that part of the site to be used by vehicles shall be constructed with either;

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

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Within one month of the date of this approval being granted, a scheme demonstrating an appropriate turning facility and additional parking space, shall be submitted to and approved by the Local Planning Authority and the scheme implemented within 3 months of the date of this approval.

Reason

In the interests of road safety.

Informatives

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The Council's Neighbourhood Enforcement have a legal duty to investigate any complaints of nuisance being caused due to accumulations of waste and odour. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in an unlimited fine upon conviction in the Magistrates' Court. It is therefore recommended that you give consideration to any measures that may need to be taken to prevent a nuisance from being created.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.