SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 08 February 2023**

(Author: **Maxine Simmons - Planning Officer)**

Purpose: **To consider Planning Application H12-0577-22**

Application Number:	H12-0577-22	**Date Received:**	06 June 2022
Application Type:	FULL		
Description:	Proposed Change of Use of agricultural land to dog exercise area and landscaping		
Location:	Monmouth Lane Lutton Spalding		
Applicant:	G H Hoyles Ltd.	**Agent:**	G R Merchant Ltd
Ward:	Long Sutton	**Ward Councillors:**	Cllr A C Tennant Cllr J Tyrrell Cllr D J Wilkinson

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H12-0577-22

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 A Councillor has requested Committee consideration and also the number of objections received merit Committee consideration.

2.0 PROPOSAL

2.1 This is a full planning application for a change of use of agricultural land to dog exercise area with 2 car parking spaces, fencing to enclose the dog exercise area and landscaping.

2.2 The proposal previously included a farm vending shop, electric car charging and a walking route, but these have been deleted from the proposals. Earlier amendments increased the landscape buffer zones.

2.3 The proposal includes an altered access off the public highway. A gravel path leads down to two car parking spaces, with a wildlife area and tree planting either side, with a gated access to the dog walking area. The dog walking area is bounded by a 2 metre fence. The dog exercise area extends to the south of the plot and has a 12m buffer/landscaping strip with trees on the western side, described as various fruit trees. The plot opens out westwards to the south where the tree buffer strip increases in width to 16 metres, but this is inside a new wildlife meadow buffer strip, itself 16m wide. The fence enclosing the dog walking area is therefore 32m in from the boundary from adjacent residential properties to the west. The site is unlit.

2.4 The proposed secure dog exercise area would be fenced and used for single 50 minute slots, bookable and payable online, offering an area where dogs can run off lead, without meeting other dogs. Only one household can use the dog exercise area at a time, with a maximum of 4 dogs.

3.0 SITE DESCRIPTION

3.1 This is a 2.37 hectare site currently in agricultural use south of Monmouth Lane, north of The Peele School in Lutton Marsh. This is an irregular shaped plot situated behind residential properties along Lutton Gowts. The site boundary adjoins the rear of residential gardens.

3.2 The site is on Grade 1 agricultural land which is the best and most versatile agricultural land.

3.3 The proposal is outside the settlement boundary of Long Sutton which is a Main Service Centre. The proposal is therefore within the countryside.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

01 Spatial Strategy
02 Development Management
03 Design of New Development
04 Approach to Flood Risk
28 The Natural Environment
30 Pollution
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 There is no relevant planning history for the site.

6.0 REPRESENTATIONS

6.1 Long Sutton Parish Council

No objection, welcome diversity for farms to enable them to earn a living and provide a safe place for pets to exercise.

6.2 LCC Local Lead Flood Authority and Highway Authority

Lincolnshire County Council as a Highway and Lead Local Flood Authority have no objections - Site re-positioned and additional wildlife and landscaping. The proposed access has been re-aligned further North along Monmouth Lane which still retains good visibility to allow drivers to manoeuvre safely when exiting the site. We would add, that the proposed access width needs to be 4.1 metres as a minimum to allow the passage of two way vehicular movements, any signage needs to be within the applicants land and not on the adopted highway and any gates must be set back at least 5.0 metres from the nearside kerb edge to allow vehicles to manoeuvre off the highway without causing an obstruction to other users.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Standard Informatives suggested.

6.3 Councillor David Wilkinson

I have received several calls and emails from residents adjacent to this proposed site,. Their concerns remain, they are not happy that there will be be a dog walk to the rear of their properties. While the slight repositioning of the site adds some benefit in the form of screening it will not assist at all with noise and disturbance. I would ask that if this is to be considered the application be dealt with by committee.

The dog exercise area borders onto existing residential properties, this will obviously cause noise and disturbance to those residents. The applicant has given no indication of time restrictions, leaving one to assume it will be open at all times of the day and weekends. It states the shop will not be manned again is this to remain open 24/7 365? if so this is unacceptable. The location of both the dog walk and the shop border residential properties, I believe that the applicant owns the all of this large field to the right of Monmouth Lane, I cannot see any issues with moving the development a little further down Monmouth Lane where it would not impact on the existing residential properties. In it's proposed location the entrance and exit would be almost on the junction with Roman Bank, despite being in a 30 mph limit this road is extremely busy, it being the main route to Gedney Drove End and the Marsh area's. Moving the development would reduce the risk of any incidents at this junction. I think the applicant could reduce the impact on their neighbours by a change in their plan.

Public

(51 responses from 24 households (13 households of the 24 submitted multiple responses))

-no need for dog exercise area, already facilities nearby such as park, one in Cinder Ash Park, and other Blazegate Dog field
-affects privacy, safeguarding and safety in proximity to residential properties, and school
-highway safety concerns, turning area on Monmouth Lane is not wide enough, excess traffic, lorries use it, -disruption to local residents,
-noise pollution and disturbance from barking dogs and comings and goings
-dog mess and waste management concerns, odour concerns, especially from dog waste, litter,
-proposal should be moved to other side of Monmouth Lane where there are no householders or children, farmer owns other land that can be used,
-this is a semi-rural area surrounded by countryside,
-proposal results in stress and worsening of mental health problems of neighbours,
-out of character with surroundings,
-loss of mature tree and hedgerow,
-no specific detail of tree types,
-no information on opening hours,
-no information on height of fence around dog run,
-maintenance issues,
-vermin will increase from fruit trees,
-amendments better but not wanted,
-effect on landscape, countryside and wildlife,
-land is not unproductive, it is badly drained, land is not compacted, could use different equipment
-unfenced footpath, existing wildlife areas are a joke, full of weeds,
-future use will be housing, not acceptable behind residential properties, noise, devaluation of property, danger of dogs escaping, close to parents property who are being pushed out, No bus to site, open countryside, pollution and noise, change of use goes against government's food strategy, no waste management strategy, flooding concerns, loss of view, traffic concerns, farmer used gas guns previously but they do not work, need a trial period, amendments don't change concerns, orchard will block views, loss of view, disturbance, concern over loss of best agricultural land, poor yields due to poor drainage, garden will no longer be private, lack of staff increases security concerns, add cycle path, concerns over future housing development, destroying countryside, lost property transaction as a result of proposal, the site floods, loss of light, too close to junction with Roman bank, supporting information on yields misleading.
-will affect flooding

-tall fencing will look unsightly in rural environment, will look like an industrial area
-extra noise from dogs barking
-locate it where it won't have an impact on local people
-amendments are an improvement, but object to trees restricting views, will grow to great heights
-concealed car parking will encourage fly tipping
-will be sold off for building development subsequently, use would not be profitable
-farmer should have sold land for gardens, or had wildlife meadow
-increased security risk
-no buffer zone to school

Public

(29 letters in support from 28 households summarised)

-a much needed, and will reduce complaints in other areas
-there are zero dog free run areas in Long Sutton and vicinity,
-fantastic idea, dogs need space to run safely away from roads,
-many people take dogs off lead to parks which isn't fair on others, some children get scared,
-good idea, welcomed as long as impact to neighbours controlled and costs reasonable,

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 Principle of Development

7.3 The principle of this development is considered in the light of the National Planning Policy Framework (2021) and the policies of the South East Lincolnshire Local Plan (2019).

7.4 The site is located within an area of development constraint, the proposal being beyond the settlement boundary within the countryside.

7.5 Policy 1 of the South East Lincolnshire Local Plan (SELLP) relates to the spatial strategy and makes it clear that development in the countryside is only permitted subject to it being necessary in such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Whilst not part of the policy, the supporting text of policy 1 shows how the policy is to be implemented, and makes it clear that uses other than agriculture and forestry, such as recreation and tourism can meet the broad sustainable objectives of the local plan. Whilst dog exercising is not required to be located in the countryside, it would be difficult to provide this facility within an urban context due to the amount of open land it involves. The proposal therefore has some characteristics of a recreational land use. Planning permission would also not be required to plant trees or create wildlife landscaping strips. There are economic benefits to the scheme in terms of providing diversification for the farm. There are community benefits for the dog owning community in terms of allowing dogs to utilise an area exclusively, and there are environmental benefits as a result of the wildlife flower landscaping strips. Due to these factors and the fact that the dog exercise area is akin to an open leisure use, it is not considered that the proposal conflicts with policy 1 of the SELLP.

7.6 Use of Best and Most Versatile Agricultural Land

7.7 A key issue to this scheme is the fact that the proposed dog walking area is situated on Grade 1 Agricultural Land which is defined in the NPPF as the 'Best and Most versatile Agricultural Land' (BMV). This is excellent quality agricultural land where a wide range of agricultural and horticultural crops can be grown including fruit such as apples and pears, soft fruit such as raspberries and blackberries, salad crops and winter harvested vegetables. Government recognises that this type of soil produces high yields and is generally less variable than on land of lower quality.

7.8 The National Planning Policy Framework (NPPF) states in paragraph 174 that planning policies and decisions should contribute to and enhance the natural and local environment by

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

7.9 Paragraphs 001 and 002 Planning Practice Guidance for the Natural Environment explain that planning decisions should take account the value of soils and agricultural land classification to enable informed choices on the future use of agricultural land within the planning system. The February 2021 Natural England Guide for assessing development proposals on agricultural land states in Paragraph 6 that decisions should avoid the unnecessary loss of BMV land. Weighing against the proposal is the economic and other benefits of preserving BMV land in principle as a result.

7.10 However, the main concern of the government is the loss of large sites of more than 20 hectares of BMV, which specifically require Natural England to be consulted. In the present case, the site area is 2.3 hectares. The overall field is larger which can still be used for agriculture, the majority of which is outside of the application site. Grade 1 agricultural land is also abundant in South Holland generally.

7.11 There has been substantial opposition to the proposal from neighbours in the vicinity objecting to the proposal due to various issues, but the location of the facility behind residential gardens outside the settlement and on Grade 1 agricultural land is a prominent concern. These factors have been taken into account during the consideration of this application. Some local residents have stated that problems with the field are due to waterlogging/flooding issues and not as a result of the quality of the soil. Other objectors state that the site has not been maintained in drainage terms.

7.12 The applicant has provided a written justification for the loss of agricultural land which states that the parcel of land is unproductive for vegetable growing due to vermin attack, mostly by pigeons. Controlling the pigeons with gas guns in this location would be anti-social near the school and residents. The shape of the field means it suffers from compaction by medium sized machinery. The government is encouraging farmers to participate in Environmental Land Management Schemes where they are financially rewarding farmers to take out less productive areas of their farms and put in wildlife options, helping the government achieve its target of productive farming with the environment. The applicants state that yield maps, submitted with the application, show how unproductive the land is.

7.13 Some local residents disagree that the land is unproductive, and that vermin would still be attracted due to the fruit trees, they also state that the land has not been drained properly and if drained properly it would be more productive. At the time of writing, it is not possible for the Local Planning Authority to verify if drainage were to be improved, that this would improve productivity of the field, so the application needs to be considered on its merits with the information supplied.

7.14 The use of landscape buffer strips, some of which are to be planted with fruit trees are specifically referred to in the guidance as being suitable for growing on BMV land. Not all of the BMV soil within the red line plan of the application site, therefore, would be lost.

7.15 The applicant has submitted a series of maps showing the yields of the overall field for a selection of years, the majority of which is outside of the application site. A 2020 yield for Winter Wheat shows areas of the field which are outside of the application site which are more productive: areas in yellow (24% of the field area) produce 12 tonnes per hectare as opposed to areas in red (33% of the area) produce less than 8 tonnes per hectare. The total yield in the yellow area produces 41.5 tonnes (34% of the total yield), whereas the red area produces 10 tonnes representing only 8% of the total yield. The red areas, showing the least productive parts of the map roughly equate to the red line boundary of the application site. The map shows that for 2020 for Winter Wheat, the west and south west parts of the field were less productive compared with the part of the field outside the application boundary.

7.16 The Vining Peas Yield Map from 2018 shows red areas (7% of the field area) producing a 4 tonne yield at 0.4 tonnes per hectare, whereas the highest yield areas in green, produce 12.8 tonnes (16% of the total yield) at a rate of 7.6 tonnes per hectare. The red areas, showing the least productive parts of the map roughly equate to the red line boundary of the application site.

7.17 A further map showing Mustard Seed Yield from 2022 shows that the south west corner of the field produces 0-0.2 tonnes per hectare which equates to the part of the site subject to this application, which is lower than other areas.

7.18 It is acknowledged, as some objectors have pointed out, that the selection of yields from specific years may have influenced the level of productivity as a result of adverse weather patterns. Similarly, drainage and waterlogging may also affect yield. Nevertheless, the yield maps do indicate a pattern of less productive land in this particular part of the overall field. The submitted information does appear to demonstrate that yield varies across the field and the crop information submitted shows the area which is subject to the application is less productive, even though it is BMV land.

7.19 Given the submitted information, notwithstanding the fact that drainage may have affected yields in this part of the field, it is not considered that refusal on the basis of the loss of BMV land on this part of the field, would be justified on balance, as other parts of the field can still be used for the production of crops which show higher yields per hectare.

7.20 The use of buffer strips for fruit production, and the introduction of wildflower strips that would benefit biodiversity, means that these factors also weigh in favour of the proposal because BMV in these areas would still be utilised within the site.

7.21 The proposal does not therefore conflict with national guidance or paragraph 174 of the NPPF significantly to justify refusal due to the loss of Grade 1 agricultural land.

7.22 Layout, Design, Size and Scale

7.23 Paragraph 130 of the NPPF deals with a number of issues; of most relevance are: that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; that they are sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Paragraph 134 states the development that is not well designed should be refused.

7.24 Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted subject to impacts including size, scale, layout, impact on amenity, character and appearance of the area, the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation level and visual intrusion.

7.25 The amended scheme now consists of a dog exercise area with no lighting whatsoever in this location. The Farm vending facility, electric charging, most of the car parking and walking route has been removed from the scheme.

7.26 The residential properties to the west have landscaped buffer strips with a mixture of tree planting and wildlife flower areas between the rear gardens and the dog exercise area. The set in distances of the 2m fencing for the dog exercise area would have set in distances of between 12 and 23 metres.

7.27 The planting of wildflowers, trees and other landscaping does not require planning permission, and amendments to these areas have resulted in these areas being increased.

7.28 The entrance to the dog exercise area is via a gravel path, with two car parking spaces where dogs would be unloaded/loaded. This has been positioned opposite a part of the village where no houses are located.

7.29 Objections have been received as a result of the amendments which include tall fencing looking unsightly in a rural environment, looking like an industrial area. It is correct that metal fencing in this location would not be suitable, however wooden fencing would not look significantly out of keeping. Whilst the objections have been taken into account, a condition relating to fencing materials and details can be submitted and approved by the Local Planning Authority to ensure

the design is acceptable. It is not considered that refusal due to the design of fencing could be justified.

7.30 Objections were also received due to the car parking area being concealed. The location of the 2 car parking spaces has been located away from residential properties to minimise disruption to them. The condition associated with fencing could include details of refuse disposal to discourage littering. Again, refusal on this ground would not be justified.

7.31 Objections have been received stating that the proposal should be located where it would not impact on local people. The reason for the dog exercise area is locationally specific due to the lower yields of the field. In addition, the imposition of conditions are expected to minimise impacts on local residents. The application also has to be dealt with on its merits.

7.32 Objections also cite the potential future use of the site for house building should this scheme fail economically, or that land should have been sold to residents to extend their gardens, or should be a wildlife meadow. Comments also state the value of their properties would be affected. The scheme cannot be determined on potential future or alternative planning proposals. Devaluation of adjoining properties is not a planning matter. The scheme includes wildflower planting areas and will therefore have biodiversity value. These matters are not issues that would justify refusal.

Objections have been received in relation to a security risk as a result of a use at the rear of residential gardens, some of which share a 180m boundary with the application site. Concerns were also raised about safeguarding due to the lack of a landscape buffer to the school. The walking route associated with the earlier proposal has been removed which would decrease the amount of visitors to the site. The booking system for the dog walking area ensures that there would be a record of people using the site which would mean they could be identified by the police should an incident occur. Security concerns, including safeguarding issues are not considered to be such that refusing planning permission on this issue would be justified. In design terms it is not considered justified that the lack of a landscape buffer next to the school would justify refusal.

7.33 Overall, the revised proposals do not raise design, size, security or layout concerns and as a result the proposal is considered in keeping with policy 2 of the SELLP.

7.34 Impact of neighbouring Residents/land users

7.35 Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) relate to residential amenity and the relationship to existing development and land uses. They are consistent with advice with the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, places a high standard of amenity for existing and future users. Policy 30 of the SELLP relates to pollution which includes noise pollution. Paragraph 174 e) states that planning decisions should contribute and enhance the natural and local environment by preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

7.36 Many objections cite noise pollution due to extra noise from dogs barking. The number of dogs present on site at any one time is four. The area for exercise is large, and is set in from the boundaries where residential gardens a adjoin the site, buffered by the landscape strips. The use of the dog exercise area could be mitigated in amenity terms by the booking system, and by ensuring that the exercise area is not used during unsocial hours. As the facility is not to be lit, this would further deter its use at night. Some objectors have raised concerns of the dog exercise area being adjacent to the school, and there is no landscape buffer in this location. However, the school will only operate during the day, having a dog exercise area adjacent to a school would not be significantly different to having a public park adjacent to a school.

7.37 Whilst it is accepted that it would not be possible to completely eradicate dogs barking when being let out of vehicles, or using the exercise area, it is considered that the noise associated with a maximum of 4 dogs, would not be excessive, not would the noise be continuous. Even badly behaved dogs from a particular family are unlikely to use the facility for several hours at a time. It is therefore reasonable to assume that noise disturbance from barking dogs would be sporadic. A condition limiting the amount of dogs at any one time to 4 would be a control

mechanism in addition to the booking system which would limit the changeover patterns of dogs as the sessions are 50 minutes long, allowing for a 10 minute changeover time between families. Given the significant amount of objections, the use could also operate for a trial period of one year to test whether or not the use actually generates a significant amount of noise over a 12 month period. A condition relating to a temporary use is therefore suggested. An hours of use condition is also suggested.

7.38 As well as significant objectors to the proposals (which form the majority), it is recognised that there is support for the proposals, most notably from dog owners. It could be argued that this aspect of the proposal could benefit the dog owning community.

7.39 Subject to these conditions, whilst it is acknowledged that many objections cite noise as a significant concern, it is considered that noise could be mitigated and the scale of the proposals are unlikely to conflict consistently with Policy 30 of the SELLP.

7.40 An objection has been raised in connection with the trees affecting light into residential gardens, resulting in loss of view as a result of the height of trees. Whilst it is acknowledged that this is a concern for some residents, it is not considered that the use of trees could be resisted. Loss of light to the garden as a result of trees is not considered to be significant because the farmer could plant trees at present without needing planning permission. Refusal on this ground would not be justified.

7.41 As such the proposal does not conflict with policies 2, 3 or 30 of the South East Lincolnshire Local Plan (2019).

7.42 Highway safety and parking

7.43 Policy 36 of the SELLP states that all new development should provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authority. There is no particular standard for this type of use and therefore the scheme has to be assessed on its merits.

7.44 The amended proposals result in the introduction of 2 car parking spaces, a new access and a gravel path. The amount of car parking is considered reasonable given that the use would operate for a maximum of 4 dogs. It is noted that the Local Highway Authority raise no objection to the proposal in highway safety terms. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is noted that many residents cite traffic and highway concerns as a result of this proposal. However, the number of car parking spaces has been decreased and there is no evidence that the proposal as amended would have a significant impact on highway safety, or would add to a negative cumulative impact on the road network. As a result it is not considered that the proposal conflicts with policy 36 of the SELLP.

7.45 Flooding considerations and drainage

7.46 Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations.

7.47 The site is within Flood Zone 3 which has the highest probability of Flooding. The Lead Local Flood Authority does not raise any objections. Many objections relate to concerns relating to flooding and the lack of maintenance of the field and the justification for departing from Grade 1 agricultural land. The use of BMV land has been discussed earlier.

7.48 Annex 3 of the NPPF classifies land uses according to their vulnerability in relation to flooding. Less vulnerable uses include buildings used for shops, and water compatible development includes amenity open space, nature conservation and biodiversity.

7.49 It is considered that the dog exercise area is akin to a water compatible development, and will be left predominantly open apart from some fencing. Given this, it is not considered that the

proposal significantly conflicts with policy 4 of the SELLP.

7.50 Biodiversity

7.51 Section 15 of the National Planning Policy Framework (NPPF) seeks to provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 179 seeks to protect biodiversity, safeguarding components of local wildlife-rich habitats and wider ecological networks, including locally designated sites for importance for biodiversity, wildlife corridors and stepping stones that connect them. Paragraph 80 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

7.52 Policy 28 of the SELLP seeks to protect ecological networks and assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats. In addition, the policy seeks to promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, including water space, and conserving or enhancing habitat to adapt to climate change.

7.53 The proposals involve extensive areas of green buffers which are capable of providing biodiversity net gain, particularly the wildflower planting. Amended plans have increased these areas of planting.

7.54 There are no significant trees on the site that would be affected by the proposal at present. The introduction of landscaping strips with fruit trees will generally increase tree coverage. It is acknowledged that some objectors state that this would encourage vermin and block out light. However, it is not considered that these concerns could be used as a reason to refuse the proposal given that trees could be planted without needing planning permission.

7.55 The proposals would not conflict with policy 28 of the SELLP.

7.56 Planning Balance

7.57 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

7.58 The dog exercise element of the proposal is akin to a recreational use. It is not considered that the use significantly conflicts with the sustainable development policies of the Local Plan.

7.59 The economic activity of the dog exercise area weighs in favour of the proposal as this is likely to boost the local economy and increase the economic diversity of the location and farm. It is producing income from a part of the field which is least productive. This weighs in favour of the proposal.

7.60 The proposal is considered to be a community facility for the local area which weighs in favour of the proposal, particularly dog owners.

7.61 The environmental elements of the proposal in terms of biodiversity net gain of the landscaped areas weigh in favour of the proposal. The loss of Grade 1 agricultural land weighs somewhat against the proposal - however, not all land within the application site would be lost, and the other, more productive part of the field can still produce the majority of crop yields in the immediate vicinity. The overall environmental balancing exercise is therefore neutral.

7.62 Overall it is considered that the benefits of the proposal outweigh the harm of the loss of part of a field which is Grade 1 agricultural land.

7.63 Conclusion

7.64 Taking into account the various aspects of the proposal, it is considered that in the planning balance, together with the safeguards associated with the proposed conditions, the proposal is considered acceptable when assessed against the policies in the Development Plan and the National Planning Policy Framework taken as a whole and therefore approval is recommended.

7.65 **Additional Considerations**

7.66 Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.67 Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 RECOMMENDATIONS

8.1 **Grant permission subject to those conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

   Amended Application Forms
   4029-22 01G
   Supporting information: Adding Value Grant Information
   Supporting information: M15 2018 Vining Peas Information
   Supporting information: M15 2020 Winter Wheat Information
   Supporting information: 2022 Yield Information Mustard Seed

   Reason: For the avoidance of doubt and in the interests of proper planning.

2. The use of the land for the purposes of dog walking hereby permitted shall be for a limited period of one year from the date of the approval of details associated with condition 3 as part of this decision. At the end of this period the use of the land for dog walking shall cease, and all materials and equipment brought onto the land in connection with the use shall be removed within 21 days, unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing by the Local Planning Authority.

   Reason: In order for the use to be monitored in terms of its effect upon residential amenity over a temporary period in terms of noise, disturbance and hours of use.

   This condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

3. Prior to its installation, details of the proposed fencing to the dog exercise area, including materials, height above ground level and colour, together with a dog waste bin and waste disposal details shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter as long as the dog exercise area remains in operation.

   Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

   This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. No more than four dogs and two cars shall be present on site at any one time from a single household. The use shall operate via a booking system operating using 50 minute slots with a 10 minute gap between appointments to allow for the changeover of clients using the facility. No group dog training shall take place on site.

   Reason: In the interests of amenity particularly in relation to noise.

   This condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019,

5. The site shall only operate between the hours of 0800 and 1900 Monday to Sunday at at no other time.

   Reason: In the interests of amenity and noise pollution.

   This condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

6. No lighting (either temporary or permanent), shall be erected or utilised on site without the prior consent in writing of the Local Planning Authority.

   Reason: In the interests of amenity and light pollution.

   This condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019

7. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.

   For application guidance, approval and specification details, please visit:
   https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb
   or contact vehiclecrossings@lincolnshire.gov.uk

8. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

   For further guidance please visit our website via the following links:
   Traffic Management - https://www.lincolnshire.gov.uk/traffic-management
   Licences and Permits - https://www.lincolnshire.gov.uk/licences-permits

9. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

   This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

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Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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