DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0480-22**	**Applicant:**	**Cherished Paws**
Proposal:	Change of use from agricultural land to dog walking field, with dog training as ancillary use (5 hours a week) including lighting - approved under H14-1077-21) Modification of condition 1 to allow planning permission for a further period of time and modification of condition 5 to allow extension of operating hours to 20.00.		
Location:	Land To The Rear Of Northgate Farm Northgate West Pinchbeck		
Terminal Date:	8th July 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

12 - Achieving well-designed places
15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application on land to the rear of Northgate Farm, Northgate, West Pinchbeck for a change of use from agricultural land to a dog walking field, with dog training as ancillary use (5 hours a week) including lighting - approved under H14-1077-21) This application seeks modification of condition 1 to allow for permanent planning permission and modification of condition 5 to allow extension of operating hours to 20.00. The proposal seeks to utilise an area of agricultural land that is 1.61 hectares in size for secure off lead exercise. The field is bordered by a 1.8 metre high stock fence with wooden poles. Two storage areas have been provided for training equipment. One area is an existing shed and the other area is located in a partially enclosed area to the rear of an agricultural shed.

The business provides one hour sessions for exclusive use of the field for up to 6 dogs at any time. The new proposed hours of operation are between 7am and 8pm with lighting utilised during hours of darkness. Dog waste bins are provided around the field, and these bins are emptied by an external contractor. Dog training for up to 6 dogs takes place on site for a limited period of around 5 hours a week.

The applicant utilises the lighting in periods of low light when the field in use. The lighting is not used at any time outside of operational hours. This is secured by condition. The lighting is angled downwards to solely cover the site and is set someway back in the site, away from residential dwellings.

The difference between this application and the previously approved applications is that the applicant is seeking to extend hours of opening for one additional hour to 8pm and gain permanent permission for the use.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits with linear development to the south and arable fields to the north, west and east of the site. The application area is in Environment Agency Flood Zone 3, and in a Low Hazard area, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H14-0364-21

Full - Change of use from agricultural land to dog walking field, with dog training as an ancillary use (5 hours a week) - Approved - 17 June 2021.

H14-1077-21

Full - Change of use from agricultural land to dog walking field, with dog training as an ancillary use (5 hours a week), including lighting - re-submission of H14-0364-21 - Approved - 10 December 2021.

CONSULTATION RESPONSES

County Highways & SUDS Officer - No objection

"The proposal is for minor amendments to Conditions 1 and 5 that already has approval under H14-1077-21. The proposal does not have an impact on the Public Highway or Surface Water Flood Risk."

Councillor Sneath

"I am disappointed that the Applicant is again wanting to amend her application. I am surprised there are no recorded complaints, as several residents have contacted me with their concerns. When they want to enjoy their gardens in the summer months the noise from the site is very

intrusive in this previously quiet and rural area of farmland. If the application were to be granted I would ask that it is only allowed in the summer months as in the winter the very bright and intrusive lighting combined with the barking is particularly unpleasant as noise travels so far on a still, cold night."

Member of the public - 1 - objection

"I would consider any further extension would lead to more light pollution in the winter so if it was to be agreed should only be April until September ,As this is a further amendment from the original application this should be the last, this is agricultural land without any screening/landscaping in place could this be addressed within this application"

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

"The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.
In the Countryside development will be permitted that is necessary to 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."

When assessed against the above criteria the following can be observed:

This proposal was for a change of use of land that did not require any material works to the land other than the erection of a boundary fence. Should the proposed use cease then the land could return to agricultural use without any harm having occurred during the time of the proposed use. It is considered that economically the site will provide employment in the local area. With regard to community, the proposal will provide a safe site for dog walking and provide an area for dog walkers to recreate. Environmentally, there dog bins at various points around the site and the bins are emptied by a contractor on a regular basis. The visual impact on the wider area is considered to be minimal.

The proposal accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the proposal is considered to be commensurate with other dog walking fields, and is of an appropriate size for the proposed use. There is not considered to be a material impact on the character and appearance of the surrounding area, due to the proposed use being located 190 metres away from the nearest unrelated dwelling and to the rear of existing farm buildings. The lighting unit will not be used outside of working hours and is approximately 330 metres away from the nearest property.

2. The design and orientation is considered to adequately meet the needs of the applicant without materially impacting neighbouring land uses.

3. The proposed 1.8 metre high stock fence is considered to be appropriate for the site. No other development is occurring.

4. The site can adequately accommodate 5 vehicles at any time in the allocated parking areas without impacting on health and safety. The existing access will not be altered.

5. The proposal is considered to benefit local community services and infrastructure by the creation of a business which can allow for the safe recreation of animals without impact on the residents of the surrounding area.

6. Due to the distance from nearby properties, it is unlikely that there would be any material noise,

odour or disturbance impact. The proposal is not for kennelling and any waste on site will be regularly removed by approved contractors. The proposed 1.8 metre high stock fence is considered to be appropriate for the surrounding area and is not considered to constitute visual intrusion. The Environmental Protection Officer has not received any complaints with regard to noise, disturbance or lighting. The lighting unit will not be used outside of working hours and is approximately 330 metres away from the nearest property. There is not considered to be a material impact from the lighting which will be angled downwards.

7. The application area is in Environment Agency Flood Zone 3, and in a Low Hazard area, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping. The proposal is not for habitable rooms and therefore there is no need to raise site levels.

8. Given that the field is used no later than 8pm and only a single downward facing light is proposed, it is not considered that it would have a material impact on any wildlife or protected species, such as bats.

The proposal accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the above relevant criteria the following can be observed:

1. A sense of place is not considered to be impacted by this proposal. The size, scale and layout of the proposal is considered to be commensurate with other dog walking fields, and is of an appropriate size for the proposed use. There is not considered to be a material impact on the character and appearance of the surrounding area, due to the proposed use being located 190 metres away from the nearest unrelated dwelling and to the rear of existing farm buildings. The lighting unit will not be used outside of working hours and is approximately 330 metres away from the nearest property.

5. The site can adequately accommodate 5 vehicles at any time in the allocated parking areas without impacting on health and safety. The existing access will not be altered. Waste bins are located around the site and are emptied at regular intervals by an approved contractor.

11. Due to the distance from nearby properties, it is unlikely that there would be any material noise, odour or disturbance impact. The proposal is not for kennelling and any waste on site will be regularly removed by approved contractors. The proposed 1.8 metre high stock fence is considered to be appropriate for the surrounding area and is not considered to constitute visual intrusion. The Environmental Protection Officer has not received any complaints with regard to noise, disturbance or lighting. The lighting unit will not be used outside of working hours and is approximately 330 metres away from the nearest property. There is not considered to be a material impact from the lighting which will be angled downwards.

12. The application area is in Environment Agency Flood Zone 3, and in a Low Hazard area, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping. The proposal is not for habitable rooms and therefore there is no need to raise site levels.

The proposal accords with SELLP Policy 3.

Assessment against Paragraph 83, Criterion B of the NPPF

This paragraph is under a section titled "Supporting a prosperous rural economy" and states "Planning policies and decisions should enable:...b)the development and diversification of agricultural and other land-based rural
businesses"

It is considered that the proposal will support the development and diversification of Northgate Farm. Should the business cease to operate, the proposal as planned can be removed from site without damage to the existing agricultural land.

PLANNING BALANCE

The proposal is not considered to impact the character and amenity of the surrounding area. The lighting unit is not be used outside of working hours and is approximately 330 metres away from the

nearest property. There is not considered to be a material impact from the lighting which will is angled downwards. The Environmental Protection Officer has not received any complaints with regard to noise, disturbance or lighting. During the temporary permission period of one year, it is has considered to have been demonstrated that the site can operate without causing disturbance and the extension of hours is acceptable for the proposed use.

The proposal accords with Policies 1, 2, 3, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 12 and 15 of the National Planning Policy Framework, 2021.

CONCLUSION

The recommendation is approval.

Additional Considerations

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.

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.