

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H16-0455-23 **Applicant:** Happy Tails & Dirty Paws

Proposal: Change of use from agricultural land to enclosed dog walking paddock/exercise field

Location: Sycamore Farm Holbeach Road Spalding

Terminal Date: 31st July 2023

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**

Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for change of use of existing agricultural land to an enclosed dog walking paddock/exercise field.

The proposed hours of operation will be 7 am -8 pm April to September and 7:30 am - 4 pm October to March. The use of the field will be by appointment only, with each person booked for an exclusive 50min slot via an online booking and payment system. A limit of 6 dogs for each session will be enforced. Each slot will have a 10-minute buffer between bookings which will be maintained to ensure there is no overlap between users.

The site would be enclosed by 6ft high agricultural posts and heavy duty weld mesh fencing wire. A parking area would be provided within the site for 2no vehicles. One small bin within the site and one larger one adjacent to the site will be provided for dig waste which will be emptied at regular recommended intervals via a specialised waste management company.

A field shelter measuring 3.6 metres x 3.6 metres is proposed to provide shelter during bad weather as well as a picnic style bench.

Site Description

The site is located off Holbeach Road. It is located outside any defined settlement boundary and on land regarded as open countryside.

The parcel of land in question is currently associated with Redford Flowers Limited, formerly Sycamore farm. It is laid to grass and accessed off Holbeach Road via an access track running between current farm buildings to the north.

History

No relevant planning history.

Consultation Responses

Local Highway and Lead Local Flood Authority

No objections as the existing access would be utilised.

South Holland Internal Drainage Board

No comments as the application does not meet our threshold for commenting.

Environmental Health

Requested the following conditions -

- No more than 6 dogs shall be present on the dog walking field at anytime
- Site operating hours 07:00-20:00 Monday - Sunday
- No illumination on site without approval

Planning Considerations

- Principle of development
- Layout and impact on the character of the area
- Impact on Residential amenity
- Parking/highway issues

Principle of development

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.

The site is outside any defined Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as the open countryside. Policy 1 of the SELLP sets out the spatial strategy for development within the District for the plan period, and clarifies that 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.

This proposal is for a change of use of land with minor material works to the land. Whilst the proposed site is not within a sustainable location, the only physical structure on site apart from fencing is a field shelter, and this would not be fixed to the ground. Should the proposed use cease then the land could return to a paddock without any significant harm having occurred during the time of the proposed use.

There are limitations as to where the proposed use could locate, given that there is a need to ensure there is enough physical space to allow for the exercising of dogs - i.e. it could not be located within an urban area very easily. The use is restricted to 6 dogs which helps to control its scale, it is not likely to attract clients from a significantly great distance as a result, and as such, it is likely to be used by clients within a reasonably short catchment area. The part of the community that are dog owners will benefit from the proposal by providing a safe site for dog walking and provide an area for dog walkers to recreate. The use would therefore provide a service to the local community.

As such the proposal is acceptable in principle and considered to accord with SELLP Policy 1.

Layout and impact on the character of the area

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The site is considered be appropriate for this use as it is large and allows for safe dog walking without impacting the character of the surrounding area. 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. The proposed scheme includes minor physical changes to the site (fencing and a field shelter). As such it is not considered to materially impact the site or the character of the area and the site could easily be returned back to its former use without any alterations.

As such the proposed development would comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impact on Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Whilst it is acknowledged that there is likely to be some noise from visiting dogs given the nature of the proposal and the level of activity proposed is considered relatively minor and would not therefore unacceptably impact the residential amenity of neighbouring properties in the immediate vicinity. The restriction to a maximum of 6 dogs at any one time would ensure that the level of noise from the proposed use would not be so significant as to warrant refusal. In order to monitor noise levels, it is suggested that permission be restricted to one year so noise levels can be monitored during this period. A further condition restricting the number of dogs and cars would also control the scale of the use. Another condition is suggested which does not allow lighting to minimise light

pollution.

One bin would be provided within the site and a larger one adjacent to the site on land within the applicants ownership and these would be regularly emptied by a specialist removal company therefore it is considered that dog waste would be adequately controlled/disposed. Conditions attached to control the use by limiting the number of dogs and cars, and by monitoring the use over a temporary period, are considered sufficient to ensure there is no conflict with policy 30.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2, 3 and 30 of South East Lincolnshire Local Plan (2019).

Parking/Highway Safety

The Local Highway Authority has not raised any objections on the basis that the proposed facility would be accessed by means of the existing site entrance which has good visibility in both directions.

The proposed scheme would generate few additional movements onto and off the public highway therefore there would not be a severe residual cumulative impact upon the capacity of the local highway network.

The nature of the proposed facility is such that it is most probable that all visitors would travel by motor vehicle but there is a footway along the opposite side of the A151 Holbeach Road that would provide safe passage for visitors and staff walking to and from the site.

The access which will lead down to the site is quite rough and bumpy, however this will be trimmed down to provide a smoother road and therefore easier access for the clients. The access will not be tarmac due to costs that will arise from this procedure. If flooding issues arise due to its location near a drain, they will be able to move the road slightly to the east to ensure there is still access to the site.

The two parking spaces provided within the site appear adequate for the scale of the proposal given the business would operate on an appointment only basis with one booking at any given time. However, there is adequate space for more parking spaces if needed at any time.

Planning Balance

The proposal is not considered to materially change the overall appearance of the site. Whilst equipment and a field shelter would be present, there is no material difference from dog play equipment to equestrian equipment. The use could easily revert to a paddock.

The potential for noise and disturbance could weigh against the proposal, however, this is mitigated by conditions which restrict the hours of use for a temporary period, and also a condition which restricts numbers.

The proposal is considered to provide a community facility for the local area which weighs in favour of the proposal.

Conclusion

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

The application is therefore recommended for 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.

RECOMMENDATION

The application can be approved under delegated powers.