

Item Number: 10
Application No: 18/01290/FUL
Parish: Swinton Parish Council
Appn. Type: Full Application
Applicant: Mrs E Lund
Proposal: Change of use of agricultural land to commercial dog walking field
Location: Land off Moor Lane Broughton Malton North Yorkshire

Registration Date: 23 November 2018
8/13 Wk Expiry Date: 18 January 2019
Overall Expiry Date: 22 December 2018
Case Officer: Alan Goforth **Ext:** Ext 43332

CONSULTATIONS:

Swinton Parish Council	Recommend approval
Highways North Yorkshire	No objection
Environmental Health Officer	Any formal comments shall be reported at the Planning Committee meeting

Neighbour responses: Mr And Mrs A. Slack, Tynke Bakker, Mrs Emma Massey, Mr David Langham,

SITE:

The application site comprises agricultural land that amounts to 0.99hectares. The field is relatively level and was used for arable production and grazing of cattle and sheep but is currently sown to grass. There are established hedgerows interspersed with mature trees along the western and eastern boundaries. An entrance is in the south eastern corner of the field. The surrounding land is in agricultural use.

The site is situated on the northern side of Broughton within the open countryside approximately 150m from the village development limit. The site is 1.5m miles from Malton and vehicular access is via the B1257 and Moor Lane.

The nearest residential property is the Gate House bungalow which stands 15m to the east of the site. Manor Farm is 120m to the south east and the residential properties comprising the Manor Park cul-de-sac are 150m to the south of the site.

Public footpath number 25.93/2/1 runs east-west along the track (Lowfield Lane) parallel to the southern boundary of the application site.

HISTORY:

There is no planning history relevant to the application under consideration.

PROPOSAL:

Planning permission is sought for the change of use of agricultural land to a commercial dog walking field.

The proposed hours of use of the dog walking field are 07:00-20:00 seven days a week, including Bank Holidays. Users would be able to book 30 or 60 minute time slots for dog walking and only one booking would be allowed per time slot. There would be a maximum of seven dogs allowed per time slot/booking.

The existing hedgerows and trees would be retained and a 1.92m high timber post and wire mesh fence (deer and rabbit proof) would be installed inside the field boundary. The entrance would be via an upgraded field gate with code lock. The proposed means of enclosure constitutes permitted development that does not require planning permission. In addition it has been agreed with the applicant that a new native hedgerow would be planted on the outside of the wire mesh fence along the southern boundary of the site.

POLICY:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

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Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy

Local Plan Strategy - Policy SP11 Community Facilities and Services

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)

National Planning Practice Guidance 2014 (PPG)

Appraisal

The main considerations in the determination of this application are:

- i) Principle of the development;
- ii) Visual impact;
- iii) Impact on residential amenity;
- iv) Highway impacts; and
- v) Other matters.

Principle of the development

The applicant has identified a need for a safe, controlled area for dog owners to walk and train their dogs off the lead. The tracks in the area are popular for walkers including those with dogs. The dog walking field would be situated in close proximity to the public right of way network and the adjacent track (Lowfield Lane) that links Broughton to Swinton.

The proposed facility aligns with the general aims of paragraphs 96-98 of the revised NPPF in relation to access to open space, recreational provision and links to the existing rights of way network and also local policy SP11 which supports community facilities. The change of use would take just under a hectare of land out of agricultural use although it is acknowledged that the use of the land as a dog walking field is reversible so it is not considered to be a permanent loss. The provision of an off-lead dog walking field would diversify the applicant's existing agricultural business and the principle of this land based activity aligns with local policy SP9.

Visual impact

The field is in a relatively isolated location and 150m from the edge of the village surrounded by agricultural land the majority of which is in the applicant's ownership. The nearest visual receptor is the Gate House to the east and views of the site can be obtained from the adjacent public footpath. There would be no buildings, structures or lighting columns associated with the proposed change of use and the wire mesh perimeter fencing would benefit from permitted development rights. It has been agreed with the applicant that a new native hedgerow would be planted parallel to the southern boundary of the site to provide additional screening and to soften the appearance of the wire mesh boundary fencing that would be visible from the adjacent public footpath. It is considered that the appearance of the site would respect the context of the surroundings and would not give rise to an unacceptable visual impact in compliance with the requirements of policies SP16 and SP20.

Impact on residential amenity

An objection has been received from the occupant of the adjacent Gate House which states that it is unfair to impose this facility on this quiet corner of the village to the detriment of the nearest local resident. The concerns are that the additional vehicular traffic would detrimentally affect residential amenity and the 'ad hoc' comings and goings of users would adversely affect perceptions of security of the elderly occupant. In addition, there is concern that the access road is of sub-standard construction and the more intensive usage would create a precedent for a potentially more intensive/alternative business at a future date that would be difficult to resist. However, the proposal falls to be determined on the basis of the application details provided to the LPA and, therefore, the final concern, which speculates about the future use of the site, is not a matter to be considered in the determination of this application. The concerns relating to traffic are considered later in this report.

The activities within the field have previously been those associated with the agricultural use of the land for arable production or grazing. Although the nearby lanes, tracks and paths are popular with walkers including those with dogs the proposed change of use has the potential to alter the character and impact of the use of the field and the nearest residential receptor is to the east of the application site.

In considering the impact on residential amenity it is relevant to note that the hours of use of the facility would be limited as would the maximum number of dogs allowed in the field at any one time. In addition, the system of pre-booking a time slot should control the intensity of the use of the site across the day and ensure that there are no unacceptable levels of disturbance or nuisance arising from dogs or traffic. In addition there would be no floodlighting at the site and this could be controlled by condition if planning permission is granted. It is not anticipated that the proposed change of use would create any additional security risks for the occupant of the neighbouring dwelling.

It is not anticipated that this proposed change of use would give rise to any increase in crime or fear of crime, unacceptable visual intrusion, loss of privacy, pollution or disturbance in compliance with the relevant parts of policies SP16 and SP20.

Highways impact

The dog walking field is situated in close proximity to the Public Right of Way network that links Broughton to Swinton and is only a short walk from the Sports Hall and playing fields at the western end of Lowfield Lane. It is anticipated that the field would meet the demand of local dogs walkers from Swinton and Broughton as well as neighbouring villages and Malton. The proximity of the site to tracks and footpaths would encourage sustainable modes of travel to the facility for local dog owners.

It is noted that concerns have been raised about increased traffic using the lane that leads to the Gate House. There are no restrictions on vehicles using this track at present and the area is used by dog walkers on an 'ad hoc' basis together with agricultural vehicles. It is acknowledged, however, that the facility would give rise to an increase in vehicle movements over and above existing levels.

The facility would operate with a formal booking system for time slots throughout the day. There would be a maximum of seven dogs allowed per time slot although the applicant anticipates that the majority

of owners would bring 1 or 2 dogs. The booking system introduces control over the level of use of the field and should ensure the accountability of those using the field. The booking system would mean that where dog walkers travel to the site by private car the movements would be staggered across the day to ensure that not all dog walkers descend up the field at the start or end of the working day. The applicant has also confirmed that booking slots can be 'closed' to take account of busier times within the farming calendar but it is not anticipated that there would be a conflict with existing neighbouring land uses.

The plans include the provision of a parking area adjacent to the field entrance and the LHA have confirmed that they have no objections to the proposed change of use. The increased use of Moor Lane can be accommodated and the intensity of the use of the facility can be satisfactorily controlled by the applicant. In light of the above it is considered that the change of use would not result in conditions prejudicial to road safety or amenity and the application is considered to comply with the relevant part of Policy SP20.

Other matters

It is accepted that there are advantages of having a dedicated dog walking field such as reducing incidents of livestock being chased or distressed by off-lead dogs and it could prevent disease arising from parasites in dog faeces. It is not anticipated that the proposed land use would prejudice the continued operation of existing neighbouring land uses and the formalised control of off-lead dog walking is likely to have a positive impact on local agriculture.

There is an existing dog waste bin on Moor Lane to the south of the application site close to Manor Farm. The users of the field would be responsible for the collection of dog faeces and disposal in the designated waste bin which is emptied by a veterinary waste company on a weekly basis. The control of the dogs and the removal of dog faeces remains a matter for the individual dog owners and the applicant has confirmed that any users of the facility that do not act responsibly will be barred.

Three representations have been received from members of the public who support the proposed change of use. The representations support the provision of a secure, open green space for off-lead use and that this would be a safe area for dogs to exercise away from traffic, wildlife and other dogs. In addition the Parish Council recommend that the application is approved.

Conclusion

The proposed change of use would not have a significant adverse impact on the appearance of the site, residential amenity or highway safety. In light of the above assessment, it is considered, on balance, that the proposal is acceptable and complies with policies SP1, SP9, SP11, SP16 and SP20 of the adopted Ryedale Plan - Local Plan Strategy and the revised National Planning Policy Framework. The recommendation to Members is one of conditional approval.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Rev A, undated
Site Layout Plan, undated

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

- 3 Prior to the facility being first brought into use the parking areas as shown on the approved Site Layout Plan shall be created and thereafter kept available for their intended purpose at all times.

Reason: To provide for appropriate parking facilities in the interests of highway safety and the general amenity of the development.

- 4 The planting of the new native species hedgerow as shown on the Site Layout Plan shall commence during the first planting season following the date of permission, or such longer period as may be agreed in writing by the Local Planning Authority. Any new hedgerow plants shall be maintained for a period of five years from being planted and replaced if they die or become diseased by plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To protect and enhance visual amenity.

- 5 The hours of use of the dog walking facility shall be limited to only between 07:00 and 20:00 hours.

Reason: To ensure that the amenities of nearby residents are not unreasonably affected.

- 6 The facility shall only be operated with a pre-booked time slot system that ensures that there is a maximum of seven dogs in the field at any one time.

Reason: To ensure that the amenities of nearby residents are not unreasonably affected.

- 7 There shall be no fixed illumination within the site.

Reason: To ensure that the amenities of nearby residents are not unreasonably affected.

Informative

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.