

BoultonCooper

**PLANNING AND DESIGN AND ACCESS STATEMENT
FOR CHANGE OF USE OF AGRICULTURAL LAND
TO A DOG WALKING FIELD
AT LAND OFF CROSS LANE, FLAXTON**

ON BEHALF OF

Mr G Mook and Miss G Bellwood

**FOR SUBMISSION TO
RYEDALE DISTRICT COUNCIL**

Prepared By:

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1.0 INTRODUCTION

This Planning, Design and Access Statement has been prepared and submitted on behalf of Mr G Mook and Miss G Bellwood (hereinafter referred to as 'the Applicant'). The document is fully supported and supports the document and drawings submitted as part of the Planning Application which seeks change of use of agricultural land to a dog walking field.

1.1 General information

- a) **Applicant: -** George Mook and Grace Bellwood
Sevenacres
York Lane
Flaxton
York
YO60 7QZ
- b) **Agent:-** Jack Ayres – Sumner MRICS FAAV
Boulton Cooper
St Michael's House
Malton
North Yorkshire
YO17 7LR
- c) **Site Address: -** Land off Cross Lane, Flaxton and to the west of Sevenacres, York Lane, Flaxton
- d) **Accompanying Documents-** Site Plan Scale 1:2500
Block Plan Scale 1:500
Change of Use Application forms
Fee £462

1.2 The Applicant

The Applicants own Sevenacres, which is a Farm which includes the Application land. From Sevenacres the Applicants run a farming enterprise which also includes a fencing and hedge cutting business. The Applicants were born and raised in the area and have close links to the immediate area due to their family farming the neighbouring land for many years. The Applicants are seeking ways to diversify their agricultural business and to maintain its financial viability. Farmers are increasingly being encouraged to seek alternative income streams, due to the ever evolving agricultural market, and increasingly due to pressures being faced from Brexit and more recently the Coronavirus pandemic.

1.3 The Application for Variation of a Condition Following Grant of Planning Permission Submission

In accordance with the Town & Country Planning Act 1990 (as amended) this Planning Submission will comprise the following documentation:

- Application forms, including certificates of ownerships and notices, duly completed.
- Planning, and Design and Access Statement
- Site and Location Plans

Should the LPA require any other documents not submitted as part of this Application please request these from the Agent.

1.4 Structure Of This Planning, Design and Access and Justification Statement

This Statement is provided for planning submission purposes on behalf of Mr Mook and Miss Bellwood which is divided in to 6 sections and following this introduction, (Section 1), this structure follows:

- **Section 2 - Requirement for the Development**
- **Section 3 – The Site and Surrounding Area**
- **Section 4 – The Proposed Development**
- **Section 5 – Planning Policy**
- **Section 6 – Conclusion**

2.0 REQUIREMENT FOR THE DEVELOPMENT:

As already explained the Applicants are seeking to diversify their agricultural business, and to seek income streams from outside of farming to ensure the sustainability and financial viability of their existing business.

The Applicants are proposing to create a designated and purpose fenced dog walking field. There are many reasons for this which are further explained below.

2.1 General

York and the surrounding villages have seen considerable development and expansion of residential properties within the last decade. It is a commonly known fact that dog ownership has also increased exponentially. The Applicants have identified through Market Research, Press Releases in local and regional Newspapers, social media and significant direct enquiries from the public, that

there is demand for a provision of a safe controlled place to walk and train dogs. Usually these dogs cannot be exercised in open and public areas. The Applicants have identified that the proposed development site will be able to provide a safe and controlled place to walk and train dogs which will serve the needs of the local community, without affecting the amenity of the surrounding area or others residing within the immediate and surrounding proximity.

2.2 Access to Countryside

It is now a commonly reoccurring theme that incidences of livestock worrying, which often leads in to the death of the livestock, occur from uncontrollable dogs.

2.3 Contamination and Disease

Livestock worrying from the public walking in agricultural areas with dogs out of control is becoming an increasing problem. Farmland in and around Flaxton, where livestock are predominantly grazed, has seen an increase in unauthorised public access, which has led to cases of livestock being worried.

Disease and contamination which can be passed on from dog faeces into livestock has also increased significantly in recent years. The Applicants expect to be able to educate users of the proposed dog field, from displaying educational material with regard to diseases spread from dog faeces within the wider countryside. Currently the spread of the disease from dog faeces is uncontained and widespread and is a serious cause for concern.

Neosporosis, is a parasite found in dog faeces. Neosporosis causes abortion in cattle. Sarcocystosis is also a parasite found in dog faeces. Sarcocystosis is a parasite which uses dogs as intermediate hosts, and transferred to sheep. The main process for identifying this contamination is once a lamb or sheep has been slaughtered. If a confirmed case is found that the carcass is condemned and the farmer will receive no payment.

2.4 Public Enquiries

The Applicants have been approached by members of the public to ask about independent access to their land due to dogs being unruly and also asked if they can use the land for the purpose of training dogs. These enquiries could be facilitated if a purpose built facility was available, which the Applicants propose to create.

2.5 Wider Market Research

A study by the Pet Food Manufacturers Association (PFMA) suggests that 26% of households now own a dog. Other information available also identifies that there has been a clear rise in dog ownership in recent years and a drive from the public to access more rural areas for the purposes of exercising their pets.

3.0 THE SITE AND SURROUNDING AREA:

3.1 The Site

The field to which this Application relates, comprises 3.99 ha (9.87ac) and currently forms part of an Agricultural Holding currently sown to grass and mainly grazed by livestock.

The site is bounded by mature hedgerows and a network of Council adopted highways being Cross Lane and York Lane.

The Applicant's farmstead and main business premises is situated to the east of the field where the development is proposed. The land between the Applicants farmstead and the Application site is also owned by the Applicant and under their control.

3.2 Location

The land is situated within 1 mile of Flaxton. The south eastern edge of Strensall is approximately 2 miles from the Application site. Haxby and the outer ring road of York are both accessible within 5 miles of the Application site.

3.3 Public Rights of Way

There are no public rights of way affecting either the Application site or on the land which the Applicants business occupies.

3.4 Landscape

The site is generally level and currently used as agricultural grassland. The site is enclosed by mature hedgerows, interspersed with mature trees. Given the level and nature of the surrounding landscape, the site does not stand out and is not easily visible.

The proposal will conform with the existing and surrounding boundary features and area as the materials used to construct the enclosure and perimeter fence will use materials commonly associated with the construction of agricultural facilities and infrastructure. The development is bordered by a public highway to the south and west, but cannot be easily seen from one.

3.5 Education

It is proposed by the Applicants to install an educational board, where material for the education of dog owners can be displayed. The focus of the educational material would relate mainly to walking dogs in the countryside and the interaction between dogs and livestock. This would include both behaviour (e.g chasing and worrying of livestock) and dog faeces (e.g. diseases that can be transmitted from dog faeces to livestock). The Applicants feel very strongly about access to the

countryside and open areas and that it could be encouraged, but the public, and dog owners not fully familiarised with proper access and use of the countryside, should first be educated.

It is now very common to hear of incidents where farmers livestock have been worried and chased by out of control and untrained dogs.

In my professional capacity, and my role as a Rural Surveyor and Livestock Auctioneer, I hear on at least a weekly basis of incidents where livestock have either been killed, or are in need of significant veterinary assistance, which comes at significant cost. I can only see that educating the public is the way in which dog owners will understand the difficulties faced by farmers with access to the land from the public. The opportunity that will be given by the Applicants, for dog owners to walk and potentially train their dogs in an enclosed and safe environment, should be supported, the wider benefit is for education through at least the display of relevant material.

3.6 Nature Conservation

There are no known Ecological Designations located either on the site or within the immediate area which could be affected by the proposed development. No existing hedgerows or areas of significant woodland growth will be removed or affected the development. No other areas of particular habitat or ecology importance are considered to be affected by the proposed development.

3.7 Flood Risk and Drainage

According to the Government Flood Risk Mapping, the site is predominantly designated as Flood Zone 1 (low probability of flooding). In any event buildings and land use for agricultural purposes are classed as being less vulnerable development. Although the Application is for a Change of Use of the site from agricultural, there is no physical Change of Use in the composition of the structure of the surface, being grassland, and as such it is therefore considered that no further consultation would be necessary. It is not considered that any risk is posed by flooding on the development as it will be considered significantly low.

It is noted, from a search of the www.gov.uk Flood Map for Planning facility that a small section of the southern end of the field proposed to change use is designated as being within Flood Zone 3. The development is only affected by a very small area of this designation and it is not considered necessary to carry out a Flood Risk Assessment.

The Applicant and their family have lived in the area for in excess of 40 years, and, due to the family's agricultural Holding being accessed from Cross Lane, they have a good experience of flooding on it. They have no knowledge of flooding during their history of occupation of the access, or land in and around this area.

In terms of risk to users of the site, should it ever become flooded, the Applicants will have the ability to restrict access by closing the site until such time as flooding has reduced. Furthermore, should a flood event occur while the land is in use, the

main area of the land is included in Flood Zone 1 which is at risk of very limited flooding, if at all. Practically the access in to the designated dog walking field is to the north of the site, which is not affected by flooding and will be the run back area for the users safety.

It is not considered that a full Flood Risk Assessment is required as part of the Application due to the low probability of flooding and the fact that the use does not constitute a “vulnerable” use.

The development would not alter the existing drainage of the field. The only amendment to the immediate surface area would be the installation of the grasscrete, which would continue to be permeable, and mainly comprise a grass structure and as such would not alter the drainage capabilities of this area. There are no other solid hard standings or permanent structures which would be introduced to the site.

4.0 THE PROPOSED DEVELOPMENT

4.1 Use

The proposal is for the change of use of agricultural land to a dog walking field. The facility aims to provide a safe and secure, dog walking and exercise area for dog owner’s use.

All bookings and payments will be made online and only one booking will be allowed per time slot in each Park. It is expected that each booking will be for 60 minute periods. The dog walking fields are proposed to be open from 6 a.m. until 8 p.m. daily, but as the seasons change the hours of operation will be within daylight hours only. There will be no requirement for any flood lighting at the site.

Each user will be allowed a maximum of 5 dogs on site per time slot.

4.2 Design

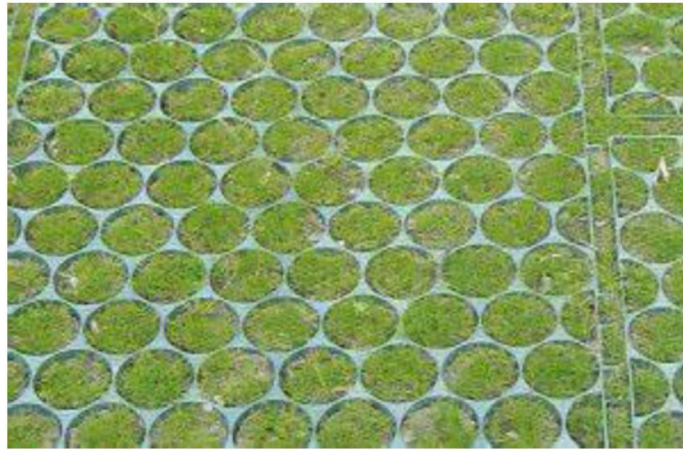
4.2.1 Design of Grass Field

The basic use of the field will remain as a grass field. The existing grass ley will be improved and re-sown where necessary, and with a mix and species to withstand the proposed use.

The site will be used as 2 private dog walking fields. Each area will measure approximately 0.57 ha (1.41 acres) in size.

The immediate approach and access will comprise a wooden gated access. To the immediate north of the defined dog walking areas, there will be an area of permeable grasscrete. The grasscrete is as shown in the following image. Grasscrete is a good alternative to the use of hardcore or a fully concreted area. It creates a firm surface on which vehicles can travel, but allows for easy integration in to the surrounding environment by allowing grass to grow through it. This would

be an environmentally friendly addition, which would have no effect on increasing surface water run-off, but would allow access to the site during any weather event. An example of grasscrete is as shown below:-



The outer perimeter of the field will comprise stock proof fencing. The stock proof fencing will comprise pig netting and wire and be supported with timber posts. The fencing is the same as that used for agricultural purposes but will act as a secure boundary feature.

4.2.2. Dog Walking Areas

The dog walking fields themselves will be fenced with 1.8m high metal post and wire mesh fence. The wire mesh will be galvanised steel wire. The lower part of the fence will be overlaid with a finer wire mesh fencing, similar to that typically used for rabbit fencing, which will be part laid in to the ground to prevent dogs digging underneath.

An example of the fencing is as shown below:-



4.2.3 Waste Disposal

The users of the dog walking fields are expected to be responsible for clearing up after their dogs. A dog waste bin will be provided on site for the proper disposal of dog poop.

All users of the dog walking field will be required to supply their own biodegradable dog poop bags to collect the faeces and will be permitted and encouraged to use the designated site bins provided.

The Applicant has made enquiries with regard to the disposal of dog faeces. The usual process is that the bins are emptied on a weekly basis by a designated and regulated dog waste removal company paid for by the Applicant. The Applicants proposal is that the waste will be collected on a weekly basis, but that it will need regular monitoring to make sure that it is done on a timely basis and to maintain the integrity and appeal of the dog walking field.

The matter regarding dog faeces is taken very seriously by the Applicant, particularly due to them also keeping livestock. As discussed a Section 3.5, the Applicant also intends to use the site for educational purposes. Transfer of disease from dog faeces to livestock is a very common and reoccurring subject matter within agriculture at this moment in time. The Applicant will hope to educate the public on walking within areas which support livestock enterprises, to clear up any dog faeces. Therefore, any users failing to collect faeces will be barred from using the field. The Applicant will also be carrying out regular checks of the fields once their use has finished for the day, and at regular intervals during the day as deemed necessary, to ensure compliance with the dog faeces disposal rule. This will also help reduce the chance of cross contamination between users of the site.

4.3 Appearance

The outer perimeter will comprise materials traditionally accepted for agricultural fencing within grass fields and in particular the area being used for the dog walking fields.

The Applicants have carefully considered the need for improving the area to the north of the designated dog walking fields to ensure access, without compromising development within context of the current landscape. The grasscrete will integrate in to its surrounding environment, allowing grass to be the predominant feature present within the area, but still allowing the successful use of the site throughout any weather event.

The materials being used to define and create the internal dog walking fields, again are accepted in terms of the materials and appearance in rural areas. The fencing which defines the dog walking areas, is typically used for fencing deer enclosures, or around woodlands where deer are excluded for their protection.

The galvanised nature of all of the fencing which will be installed will readily integrate in to the surrounding environment.

The wider appearance of the dog walking site, being a grass field, will again assist the integration of the change of use in to its surrounding environment.

The site is bounded by mature and tall hedgerows to the immediate north, south and west. The eastern boundary will divide the existing field in to the dog walking field, with the remainder being used for continued agricultural purposes. The far eastern boundary, comprises an existing hedgerow and looks back towards the Applicants farmstead.

4.4 Access

4.4.1 Access to the Main Site

The area designated for Change of Use to a dog walking field benefits from two access points. The Applicants are open to advice and consultation with the Local Planning Authority and the Highways Agency to agree which access would be most appropriate. The access to the south is immediately on to York Lane. The access to the west is immediately on to Cross Lane, which gives access to York Lane.

The Applicants propose to use the access on to Cross Lane. This is as identified on the plans which accompany the Application. The Applicant will provide a suitable run off area from Cross Lane and before the secure field gate. This will allow users of the dog walking field to safely pull off of Cross Lane, to be able to leave cars in a stationary position to open the gate for access and egress to the proposed site. This will have a very limited effect to the existing users of Cross Lane as no vehicles will be required to stop or park on it.

The allotted booking times factor in a period of use of the designated dog walking area, plus additional time to allow vehicles to move on and off the site without coming in to contact, or being on site at the same time as the next or previous booking.

There will be no need for the users of the dog walking field to perform any turning maneuvers on the public highway as ample room will be provided within the site.

4.4.2 Access Into the Dog Walking Field

The immediate access off of Cross Lane, as already explained, will comprise a traditional wooden field gate. This access will not be blocked, unless the whole site is closed for any reason.

The two individual fenced dog walking areas will have access restricted by a code lock on the entrance gate. The code lock combination is only released upon booking. The code combination is changed on a regular basis to ensure no unauthorised takes place.

5.0 PLANNING POLICY

5.1 Introduction

This Section sets out the prevailing Planning Policy context within which this Application proposal is to be determined, having established following the consideration of the location of the site combined with the nature and design of the proposed development. In doing so, it sets out the basis of the Planning Policy rationale for the proposed development and has provided the context for guiding both the site selection and the design of the development. Relevant Policy considered in this Section includes:-

- National Planning Policy Framework
- Ryedale Local Plan – Local Plan Strategy (2013)

5.2 NPPF

The National Planning Policy Framework (NPPF) provides the National Policy context against which Planning decisions should be considered.

Paragraph 11 of the NPPF provides for a presumption in favour of sustainable development. Proposals that accord with the Development Plan should be approved without delay and where there are no relevant Development Plan Policies, or the Policies that are most important for determining the Application are out of date, permission should be granted unless for specific reasons listed within the NPPF document.

In terms of sustainable development, Paragraph 8 identifies 3 overarching objectives being:-

- An economic objective
- A social objective
- An environmental objective

This Application exceeds all of these objectives which are discussed throughout the Report but more specifically:

- a) Economic – part of the evolution of the Application is to provide a further income stream and diversification to an existing agricultural enterprise. Planning Policy supports agricultural diversifications and the development of land based rural businesses.
- b) Social – socially, the Application is encouraging interaction with communities both urban and rural and their education. The Applicant has a willingness to educate communities with regard to exercising their dogs in the countryside and publicly accessible areas where livestock are present.

The development will positively achieve this and the wider benefits are discussed throughout the Report.

- c) Environmental – the Application will cause very limited if any detriment to its existing setting and the immediate landscape. There will be no physical change of use of the land, and the change of use is more the activity carried out on it. The immediate effects to the environment will be limited, but the wider effects to the environment will be extremely positive. Again the Applicant seeks to educate the users of the dog walking field, with regard to the impact, both positive and negative, of exercising dogs in the countryside. The benefits of this should see better interaction between dog owners and the countryside itself.

Paragraph 83 makes reference to “supporting a prosperous rural economy” and that Planning Policies and decisions should enable “*the development and diversification of agricultural and other land based rural businesses*”. The approach that the Applicant has taken is to diversify an existing agricultural activity and business, which in turn allows access to the countryside from those to which it is predominantly restricted.

Paragraph 127 makes reference to “achieving well-designed places” and provides a platform for which Planning Policies and decisions should be made when designing and creating development. This proposal will be sympathetic to the local character, will function well within its existing setting and area and provides a well-designed and acceptable development.

Full consideration of the National Planning Policy Framework has been given in proposing this Application. It is considered that the development is compliant with the targets of it.

5.3 Local Planning Policy

The development plan for the determination of this particular Application comprises The Ryedale Plan – Local Plan Strategy 2013

The particular Policies considered are:-

- Planning Policy SP9 – The Land Based and Rural Economy
- Planning Policy SP11 – Community Facilities and Services
- Planning Policy SP16 – Design
- Planning Policy SP20 – Generic Development Management Issues

Policy SP9 seeks to ensure that Ryedale’s land based economy will be sustained and diversified with support for appropriate farm and rural diversification activity, including innovative approaches. The Applicants have identified an appropriate farm and rural diversification activity which in turn provides significant benefits to local residents and to those which cannot safely exercise their dogs in a wider rural and countryside setting. The Applicants are providing a safe and educational place to exercise dogs, without causing significant harm to the existing and surrounding landscape.

Planning Policy SP11 seeks to support new community facilities in service villages and other villages where they provide new or enhanced provisions of open space. It is considered that the Application will have no detrimental effect to the environment or heritage, which cannot be outweighed by the benefits it will bring.

Planning Policy SP16 seeks to ensure appropriate design of development. The Applicants have carefully considered how the dog walking facility can be provided without causing significant harm to the surrounding landscape. Materials commonly associated for use in the countryside will be used to create the development, which will cause little impact on the landscape.

Planning Policy SP20 sets out objectives under the heading Character, Design, Amenity and Safety and Access, Parking and Servicing. These points have all been considered as part of the Application process and the design of the development and it is considered that the Application would comply.

6.0 CONCLUSION

Having assessed the proposed development in relation to the National Planning Policy Framework and using the established principles of the Ryedale Local Plan, the proposed development is considered to be sustainable and one that supports a rural land based business and it is asked that the Local Planning Authority support this Application.

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Date: 22nd June 2020