

5b 3/12/1083/FP – Change of use of land for dog walking and associated field shelter at land at Chaseways, Sawbridgeworth for Ms S Ashley

Date of Receipt: 06.07.2012

Type: Full – Major

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. The use hereby permitted shall be limited to the hours of 10:30am to 15:30pm and at no other times without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of neighbour amenity and to ensure that the Council retains control over the use of the land in accordance with policy ENV1 of the East Herts Local Plan April 2007.

2. A maximum of 20 dogs shall be exercised or contained within the land at any one time.

Reason: In the interests of neighbour amenity and to ensure that the Council retains control over the use of the land in accordance with policy ENV1 of the East Herts Local Plan April 2007.

Directives:

1. Other legislation (01OL1)
2. Groundwater protection zone (28GP)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007, and in particular policies GBC1, ENV1, LRC9) and the National Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (108312FP.MP)

1.0 Background:

- 1.1 The application site (1.94 hectares) is shown on the attached OS extract. It comprises a large open meadow field with a small field shelter located to the northern corner of the site. The application site is bounded by a 1.2metre high chicken wire fence. To the north west is Rowney Wood which is a fairly dense area of woodland which screens views to the site from the north. To the north east lies the property known as Primrose Cottage, wherein there is a residential use and agricultural activities associated with the land. To the south west are the residential and agricultural dwellings associated with Rowney Farm. To the south east of the application site is a pedestrian footpath which links Chaseways with other residential development further to the north east.
- 1.2 The application seeks retrospective planning permission for the use of the land for dog walking and the erection of a field shelter. The information submitted with the application indicates that the land is used between 11am and 3pm each day of the week and involves dogs being brought onto the site by vehicle and then walked on the land before again being transported off the site. The applicant indicates that, on average, there is one incoming vehicle movement, in the form of a van fitted out to accommodate dogs, which brings the dogs into the site (maximum of 20 animals) and these are supervised by two individuals. There is then one outgoing vehicle movement when the dogs are returned to the van and taken away from the site.
- 1.3 Vehicular access to the application site is achieved through land associated with Primrose Cottage, via High Wych Road.

2.0 Site History:

- 2.1 There is no planning history relating to the site

3.0 Consultation Responses:

- 3.1 Hertfordshire Biological Records Centre notes that there are no known ecological constraints regarding the proposed development and the application may be determined accordingly.
- 3.2 Veolia Water comments that the site is located within the groundwater protection zone of Redricks Lane Pumping Station. The construction works and operation of the proposed development site should be undertaken in accordance with the relevant British Standard and Best Management Practices.

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- 3.3 Natural England comments that the proposal does not appear to affect any statutory protected sites or landscapes, or have significant impacts on the conservation of soils.
- 3.4 The Environmental Health Officer comments that they do not wish to restrict the grant of planning permission.
- 3.5 County Highways comment that they do not wish to restrict the grant of planning permission. The Highways Officer comments that the use of the field for dog walking is not significant in terms of highways issues. Access to the site is via an existing appropriate access onto High Wych Road serving Primrose Cottage. The associated traffic is therefore not likely to be significant and ample area is available for parking and vehicle turning.

4.0 Town Council Representations:

- 4.1 Sawbridgeworth Town Council have no objection to the application but raise concerns with health and safety issues such as amenities for dog handlers (toilet facilities), escaping dogs that have been reported by local residents; dog waste being disposed of properly and the blocking of the bridleway by parked vans. They comment, however, that they felt there is no planning reason to refuse the application.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Four letters of representation have been received which can be summarised as follows:
- The use of the site for dog walking results in disruption to walkers peaceful enjoyment of the public footpath;
 - The use of the site results in harm to neighbour amenity in terms of noise and general disturbance;
 - Chaseways is not suitable for extra daily traffic;
 - Concern regarding dog fouling and impact on local wildlife and contamination;
 - Concern over extent of development at Primrose Cottage.

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6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC1 Appropriate Development in the Green Belt

ENV1 Design and Environmental Quality

LRC9 Public Rights of Way

6.2 The NPPF is also relevant to the determination of the application.

7.0 Considerations:

7.1 The main planning issues for consideration in the determination of this application are as follows:

- Principle of development;
- Impact upon the character and appearance of the Green Belt;
- Impact on neighbour amenities;
- Impact on public right of way
- Highway Safety

Principle of development

7.2 The site lies within the Metropolitan Green Belt, wherein permission will not be given for inappropriate development unless there are other material planning considerations to which such weight can be attached that they would clearly outweigh any harm caused to the Green Belt by inappropriateness or any other identified harm, thereby constituting 'very special circumstances' for permitting the inappropriate development in the Green Belt.

7.3 The development sought consent in this application relates to the provision of a field shelter and the use of the land for dog walking. Policy GBC1 sets out some forms of development which can be considered appropriate within the Green Belt and these include agricultural related developments; essential facilities for outdoor sports and recreation; and changes of use that do not impact on the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

7.4 It is therefore appropriate to consider the impact of the development on the openness of the area and the purposes of including land within the Green Belt.

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- 7.5 With regards to the use of the land for dog walking purposes, Officers are satisfied that this, in itself, would not materially impact on openness. The information from the applicant indicates that this use presently takes place during the main part of the day – 11am to 3pm with around twenty dogs being exercised at any one time. There are typically two vehicle movements associated with this use and normally two individuals on the site.
- 7.6 With regards to the purposes of including land within the Green Belt, this is not explicitly defined in the Local Plan. However, the National Planning Policy Framework, which supersedes Planning Policy Guidance 2: Green Belts, does set out the five purposes of including land within the Green Belt:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.7 Having regard to the nature and level of development associated with the dog walking use, it is considered that there is no conflict with the purposes of including land within the Green Belt.
- 7.8 In this case, therefore, the use is not considered to represent an inappropriate form of development within the Green Belt. Furthermore, the field shelter is considered to be an essential facility to support this use of the land (to provide shelter for the dogs and handlers in inclement weather) and that structure, in itself, is not considered to have any significant impact on openness or to conflict with the purposes of including land in the Green Belt.
- 7.9 Officers therefore consider that the development proposed does not represent an inappropriate form of development within the Green Belt and is not, in principle, contrary to the provisions of the Local Plan. It is not therefore necessary for the applicant to show very special circumstances in this case.

Impact on character and appearance of the area

- 7.10 The proposed use, involving two vehicle movements per day, is considered limited in extent and would not, in Officers opinion, result in a

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significant level of traffic movement or activity which would result in a material impact on the character of the Green Belt.

- 7.11 With regards to the field shelter; this building is of modest proportions and timber construction. It is located in an unobtrusive part of the site and is not dissimilar to other types of animal field shelters that might be expected in a rural setting. In this respect, this element of the application is not considered to result in a material impact on the openness or character of the surrounding area.

Impact on neighbour amenities

- 7.12 The comments from third parties are noted, in terms of the impact on the amenity of neighbouring properties. The application site is around 200 metres away from residential properties in Rowney Gardens and 100 metres from Wheatley Close. Properties within Chaseways are closer to the application site (the closest of those being approx. 70m from the site). Rowney Farm to the south is the closest property, being approx. 30 - 50m away.

- 7.13 Whilst the concerns raised by local residents have been noted, particularly in respect of general noise and disturbance, Officers consider the relationship of the use to the properties to be an acceptable one. Having regard to the siting of the application site and relationship and distance to neighbouring residential properties, combined with the limited hours of use of the land and number of dogs being exercised, it is considered that the development will not result in significant harm to neighbour amenity that would warrant the refusal of planning permission.

Impact on adjacent public right of way

- 7.14 The application site is located adjacent to the public right of way, although the site is separated from the footway by virtue of a chicken wire fence. Policy LRC9 of the Local Plan requires that development should not adversely affect any public right of way. Having regard to the relationship between the application site and the public right of way, Officers are of the opinion that the change of use of the land does not result in significant harm to the public right of way, in accordance with policy LRC9.

Highway safety matters

- 7.15 The Design and Access Statement submitted with the application indicates that access to the site is through the adjoining site at Primrose Cottage using the existing access onto High Wych Road. The Highways

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Officer has commented that the existing access via Primrose Cottage is acceptable and will not lead to significant harm to highway safety. In accordance with that advice, Officers consider that the development is acceptable in highway safety terms.

Conditions

- 7.16 Officers have referred above to the limited hours of use of the land for dog walking purposes and the limited number of dogs being exercised at any one time. However, without a planning condition restricting such matters, the use of the land could potentially result in a more significant impact on the openness of the land, character of the site and on amenity. For that reason therefore, Officers recommend the inclusion of planning conditions restricting the use of the land to the main part of the day and the number of dogs being exercised on the land. The applicant has agreed to such an approach.

Other matters

- 7.17 The comments from Sawbridgeworth Town Council and third parties are noted. With regards to the concern that there are insufficient amenities (toilets) for the dog walkers/supervisors, Officers note that the application site is in close proximity to Primrose Cottage which is understood to be within the ownership of the applicant, Ms Ashley. There are sufficient amenities within that site for the workers on the application site.
- 7.18 With regards to the concern that dogs have escaped and that dog waste should be collected and properly disposed off, this is not considered to be a matter over which the local planning authority has any control but is the subject of other legislation and considered to be the responsibility of the applicant. With regards to the blocking of the public right of way – should this happen - it is a matter against which Hertfordshire County Council's Rights of Way Officers would be able to enforce.
- 7.19 Officers note the concerns raised by third parties with regards to the extent of development at the adjoining Primrose Cottage. Officers acknowledge that there is a significant level of planning history relating to Primrose Cottage, some of which is complex. Officers have not set out within this report the full history of development relating to Primrose Cottage but would comment that this application should be determined on its own merits.

8.0 Conclusion:

- 8.1 The use of the land for dog exercising does not result in a material

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impact on the openness of the site and therefore represents an appropriate form of development within the Green Belt. Subject to the imposition of planning conditions restricting the hours of use of the land and the number dogs being exercised, it is considered that the development will not result in significant harm to neighbour amenity or the adjacent public right of way or any other harm. In accordance with those considerations, Officers recommend that planning permission is granted subject to the conditions set out at the head of this report.