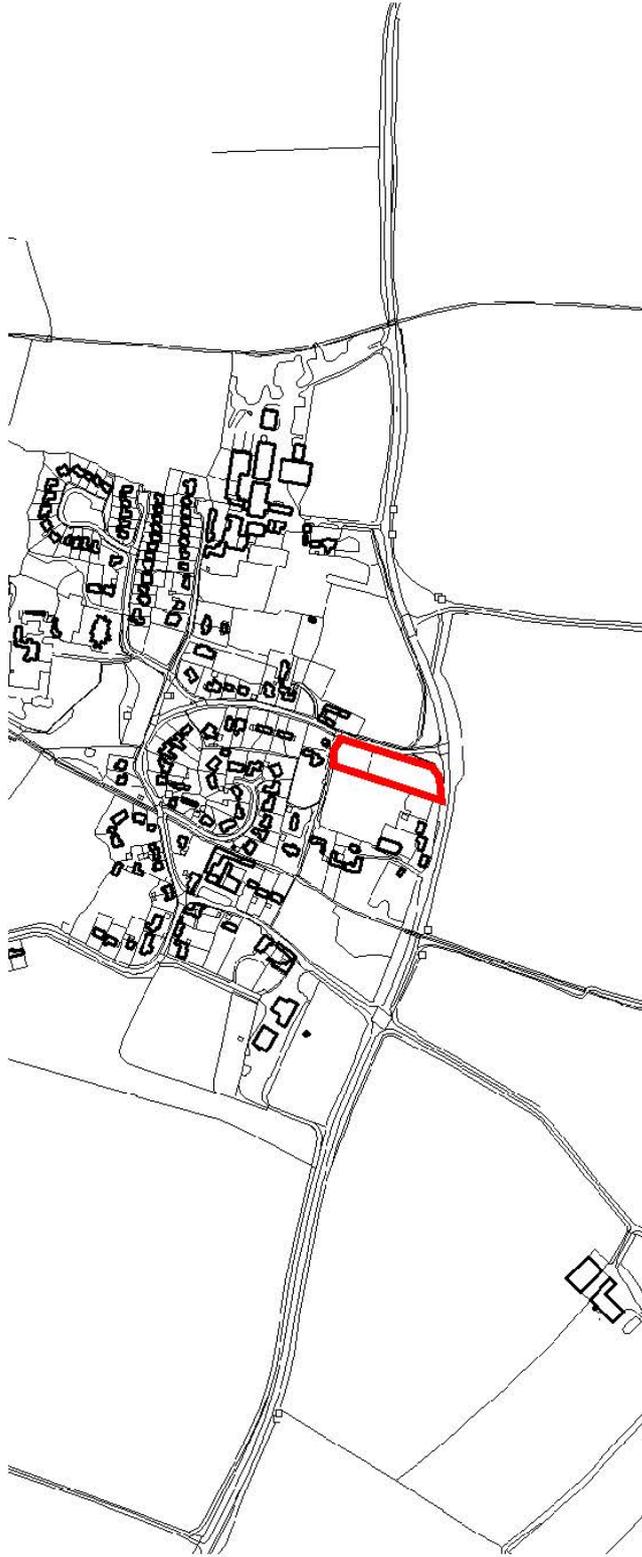


SHELLY	S18/1460	Target Decision Date:29th October 2018
		Committee Date:11th December 2018

Applicant	Mrs Lesley Hughes 49 Reedings Road Barrowby NG32 1AU
Agent	
Proposal	Change of Use to dog agility training facility
Location	Land Off School Lane Sedgebrook Grantham NG32 2ES
Application Type	Full Planning Permission
Parish(es)	Sedgebrook Parish Council
Reason for Referral to Committee	At the request of Cllr Pam Bosworth on the grounds of excessive noise, Smell, nuisance and highway impacts contrary to Policy EN1
Recommendation	That the application is:- Approved conditionally
Report Author	Shelly Delderfield - Planning Officer 01476 406080 Ext: 6446 shelly.delderfield@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland - Head of Development Management 01476 406080 Ext: 6388 S.Bland@southkesteven.gov.uk

### Key Issues

Impact on the character of the area  
Impact on the amenities of the occupiers of neighbouring properties  
Impact on highway safety



**Key**



**Application  
Boundary**



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## **1.0 Description of site**

- 1.1 The site is a field located on land off School Lane, Sedgebrook, Grantham. The field is located on the edge of the village and lies adjacent to the A52. To the north lies an unadopted road with residential properties beyond and to the north east lies commercial offices.
- 1.2 The majority of the boundary to the field is delineated by wooden post and rail fencing, a leylandii hedgerow to the north which screens the unadopted road and properties which lie beyond this. In addition there are various mature trees dotted around the perimeter of the site and to the southern boundary which lies adjacent to the A52. The land is believed to have been used for whippet racing and laterly to graze horses.

## **2.0 Description of proposal**

- 2.1 The proposal seeks to operate a dog agility facility providing various training sessions which are detailed as follows;
- 2.2 Weekly sessions for up to six dogs per session between the following days and times;  

Tuesday 10:30 - 14:00, 18:00 - 20:00  
Wednesday 11:00- 13:30, 18:00 - 20:00  
Thursday 16:00 - 17:00
- 2.3 In addition to the above agility sessions, one-to-one sessions are proposed once a fortnight (so every other week) between the following times;  

Tuesday 14:00 - 15:00  
Wednesday 13:30 - 14:30  
Thursday 14:00 - 16:00  
Saturday 10:00 - 11:00
- 2.4 A training session is proposed to take place once per calendar month on either a Monday or Saturday between the hours of 09:00 - 17:00 hrs. Training Sessions typically comprise of groups of up to 6 dogs. The applicant has stated that on occassion members may bring additional dogs (so up to 8 in total) but they are usually left in the car or crate whilst the training session is taking place.
- 2.5 An annual fun day is also proposed to be held once per calendar year between July and August on a Saturday between the hours of 10:00 - 16:00. This is typically offered to members of the dog agility club and comprises of a variety of fun exercises e.g. fastest weaves, catch the biscuit, teams around an agility course, fancy dress, fastest tunnel, best recall, best 'wait', best walking on the lead etc. On those days there is typically between 15 - 20 dogs however that is not necessarily all at once as some only attend for a couple of hours.
- 2.6 In addition the applicant proposes to use the site for personal use with her own dog(s) for training sessions to be held no more than one session per day, for a maximum of two hours on any given day (Monday - Sunday) between the hours of 09:00 - 20:00.
- 2.7 Those attending the facility will be provided with parking on site, to the southern section of the field. The applicant will set up equipment and pack up equipment approximately 30 minutes prior to each session commencing and after each session finishing.
- 2.8 The proposed times above therefore relate specifically to when the proposed activities will be taking place on the days and times detailed above. Parking provision is provided to those attending sessions within a section of the field closest to the A52.

### **3.0 Relevant History**

3.1 No relevant planning history

### **4.0 Policy Considerations**

#### **4.1 National Planning Policy Framework (NPPF)**

Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed places  
Section 6 - Building a strong, competitive economy  
Section 8 - Promoting healthy and safe communities

#### **4.2 South Kesteven District Council Core Strategy**

Policy SP3 - Sustainable Integrated Transport  
Policy SP1 - Spatial Strategy  
Policy EN1 - Protection and Enhancement

#### **4.3 Site Allocation and Policies Development Plan Document**

Policy SAP4 - Business development in countryside

### **5.0 Representations Received**

Lincolnshire County Council - Footpaths Officers      Proposals do not appear to impact Sedgebrook Public Footpath No. 11 (informative provided)

Highways England      The proposed numbers of users, times of operation will not adversely affect the Strategic Road Network (SRN) and as such Highways England have no further comments to make.

Parish Council      No objections but wishes to make comments:  
1. Noise from dogs barking - environmental health concerns?  
2. Vehicle access/mud on road - highway comments

LCC Highways & SuDS Support      No objections (informative provided with regard to bringing access up to LCC standard

Environmental Protection Services (SKDC)      No objections, although some comments have been provided following further discussions about the proposed activities.

### **6.0 Representations as a Result of Publicity**

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and there were in total 11 letters of representation, 3 of which were from the same household. There were 9 letters of objection from 7 households. The points raised can be summarised as follows:

1. Noise nuisance
2. Increased Traffic/ Safety concerns/ School Lane is a very narrow lane
3. Safety implications - dogs jumping into the road
4. Commercially driven activity as opposed to small club
5. House values will be affected
6. Previous reference to the land being used for training whippets is irrelevant as this was well over 25 years ago with fewer residential properties being affected
7. Concerns about road users blocking up School lane/A52 if the gate is closed
8. Training times and activities on application are contradicted on the applicants website
9. The proposed fun days do not provide any detail

10. Concern about mud on the road
11. Concerns of odour regarding dogs fouling
12. The site is opposite housing and offices
13. Concerns that flyball activity will create excessive noise and should be carried out in a building
14. No toilet facilities for trainers and dog owners
15. Visual intrusion from green container placed in field
16. Extreme noise will affect mental health

6.2 There were 2 letters of support which are summarised as follows;

1. We have no complaints to make about this application. We would be pleased if the field gets used to ensure the overall tidiness of this field. I have witnessed the proposed activities that the applicant operated at Copleys Farm and there is no constant barking like some people may think.
2. I feel that the improvements made to the field are an asset to Sedgebrook. The field has been overgrown for years. I believe that the small number of dogs anticipated for training sessions will not disturb the peace here. I believe it would be a rather nice countryside activity to be held in a village. We regularly enter the Best Kept Village competition and this development can only help us as the area is now in a neat and tidy entrance to Sedgebrook.
3. Anyone taking their dog to training is a responsible owner and would, I suspect, always clean up after their pet.

## 7.0 Evaluation

### 7.1 Principle of Development

7.1.1 Core Strategy Policy SP1 (Spatial Strategy) sets out a framework guiding the location of new development within the District and provides that majority of new development shall be focussed on Grantham and the market towns of Stamford, Bourne and the Deepings. The policy also provides that some level of development would be considered in the Local Service Centres.

7.1.2 In relation to new development in other areas and the countryside, Policy SP1 provides that:

*In all other villages and the countryside development will be restricted. Proposals will only be considered acceptable if they are sites for:*

- A. affordable housing (rural exception or allocated sites)*
- B. agriculture, forestry or equine development*
- C. rural diversification projects*
- D. local services and facilities*
- E. replacement buildings (on a like for like basis); or*
- F. conversions of buildings.*

7.1.3 It is considered that this proposal falls within category C which is for rural diversification projects as the proposal seeks to provide a dog agility service within a rural village location.

7.1.4 Further in relation to development in the countryside, the Site Allocation and Policies - Development Plan Document Policy SAP4 (Business Development in the Countryside (Including Rural Diversification Schemes)) provides that:

*'Outside the towns and Local Service Centres proposals for the following types of small business schemes will be supported, provided that it is demonstrated that the business will help to support, or regenerate the rural economy':*

*Farming  
Forestry*

*Equine  
Rural enterprise  
Sport and Recreation  
Tourism.'*

- 7.1.5 This proposal seeks to provide a dog agility service which is considered to be a rural enterprise activity which provides for a recreation and leisure use which is an activity highlighted above.
- 7.1.6 Specifically, SAP DPD Policy SAP 4 requires that proposals meet a set of six criteria which which are detailed below and elsewhere within the report:
- i. Scale being appropriate to the rural location - having regard to the size of the site and the frequency of events to be held, it is considered that the scale of the proposed development is appropriate to the location.
  - ii. Use being appropriate or necessary in a rural location - having regard to the nature of the use, it is considered that a rural location would be most appropriate for the development.
  - iii. Development providing local employment opportunities which make a positive contribution to supporting the rural economy - it is considered that the development would contribute positively to the rural economy as it would provide opportunities for local employment on days that events are held. In addition, there is no similar enterprise in the surrounding area that would be adversely affected as a result of the proposed development.
- 7.1.7 It is considered that the proposed recreational rural diversification project falls within the range of circumstances outlined within Policy SP1 under which new development could be considered in the countryside. The development would widen opportunities for recreation and leisure in the area thereby contributing towards the creation of a healthy community and a sustainable rural economy. The proposal would thus be in accordance with relevant provisions of Core Strategy Policy SP1, SAP DPD Policy SAP4 and Section 6 of the National Planning Policy Framework. Accordingly, the proposal is considered acceptable in principle.

## 7.2 Impact of the use on the character of the area

- 7.2.1 Core Strategy Policy EN1 relates to the protection and enhancement of the character of the district and provides that:

*'Development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration'.*

- 7.2.2 Similarly, para 127 of the NPPF provides that:

*'Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*

*The proposal relates to the use of a field on the edge of Sedgebrook which sits between the A52 to the south, a commercial premises to the north-east and residential properties to the north and west. It is considered that this field would provide a suitable location for communal use as it sits on the edge of the village.*

*The proposal seeks to operate a dog agility training facility comprising of a range of activities including small group sessions of no more than 6 dogs, one-to-one sessions and*

*an annual fun day event. The facility is understood to be operated solely by the applicant who runs the business which provides agility classes from pre-agility to advanced obedience and socialisation. It is considered that this low-level recreation activity would be in keeping with the nature and character of the development.*

*The proposal includes the siting of a green container providing storage for the equipment used during the dog agility sessions such as jumps, straight weaves, walls flat and rigid tunnels, tyres, long jump, table, seesaw and an A-frame. This will enable the applicant to set up and take down equipment as needed in an efficient manner. This will also enable the applicant to maintain the field (e.g. grass cutting) and provide a place for equipment to be put away at the end of a session so as not to produce a cluttered field that is difficult to maintain.*

- 7.2.3 SAP DPD Policy SAP 4 criteria iv. requires development respecting the character and appearance of local landscape - The proposal does not include the erection of permanent structures other than fences and the siting of a storage unit and as such, would not impact significantly on the character of the local landscape.
- 7.2.4 Having regard to the nature of the proposal as well as to the location of the site it is considered that the proposed dog agility training facility would not lead to any significant adverse impact on the character of the area and would be in keeping with the character of the rural village location, in accordance with section 12 of the NPPF, Policy SAP 4 (DPD 2014) and Policy EN1 (Core Strategy 2010).
- 7.3 Impact on the neighbouring properties
- 7.3.1 SAP DPD Policy SAP 4 criteria v. requires that there would be no negative impact on neighbouring uses - it is considered that subject to appropriate conditions, the development would not lead to an unacceptable level of impact on neighbours' amenity.
- 7.3.2 The nearest residential properties are located to the north of the site approximately 8.3 metres away and are separated by a laurel hedge and an unadopted road which runs to the west enabling access to these properties.
- 7.3.3 Whilst it is acknowledged that there are residential and commercial buildings within the vicinity of the site it is considered that the small groups using the site, during the proposed times of operation would not pose an adverse impact to local residents. This means that the most regular use of the site for the activities proposed will take place during daytime hours, predominantly during weekdays and will comprise of small groups of dogs at any one time.
- 7.3.4 With regard to concerns raised in relation to noise, odour and a lack of toilets it is considered that the small groups being proposed would not create an adverse impact on the neighbouring properties. Odour is not considered to pose an impact on local residents as the potential odour would be from dog fouling, however it is considered that those using the facility will be cleaning up after their pets accordingly. The sessions are not designed to be for long periods of time and therefore it is considered that the provision of toilet facilities will not be necessary.
- 7.3.5 Having taken the local residents views into consideration it is considered that a condition restricting the permitted hours of operation is necessary in order to mitigate the potential to cause disturbance to local residents and members of the local community. The applicant and Environmental Protection team have actively engaged in discussions in order to put clear parameters in place with regard to the nature of activities and the proposed times to ensure that any condition with regard to times is acceptable whilst meeting the needs of the small business being proposed by the applicant.
- 7.3.6 Having regard to the separation distance and screening between the proposed development and the nearest dwellings to the north it is considered that the proposed development would not lead

to any significant noise and odour nuisance as to warrant refusal of permission. In this respect it is in accordance with section 12 of the NPPF and Policy EN1 of the Core Strategy.

#### **7.4 Impact on Highway Safety**

7.4.1 Highways England and LCC Highways & SuDS have raised no objections to the proposal. The proposed access will however be brought up to LCC standards as requested.

7.4.2 Comments from members of the public have highlighted concerns with regard to the impact that the proposed use will have, however it is considered that the small numbers using the site at any given time will have limited impact on the highway. The concern with regard to a build up of vehicles on the highway can be addressed by ensuring that the gate to access the field is open prior to the sessions commencing.

7.5.3 It is considered that the small numbers of dogs attending sessions at any one time and the personal use of the site by the applicant is a low level activity that would attract low levels of traffic to the site. The site is a field on the edge of Sedgebrook and it is considered that the proposal would in this respect be in accordance with section 9 of the NPPF and Policy SP3 of the Core Strategy.

#### **8.0 Other Issues**

8.1 SAP DPD Policy SAP 4 criteria vi. Impact on biodiversity and heritage assets - the site is not designated as being of significant wildlife/biodiversity value and there is no heritage asset on site. Accordingly, it is considered that the proposal would not lead to any significant harm to protected species or heritage assets as the field was previously used for whippet racing and most recently the grazing of horses.

#### **9.0 Crime and Disorder**

9.1 It is considered that the proposal would not result in any significant crime and disorder implications.

#### **10.0 Human Rights Implications**

10.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

10.2 It is considered that no relevant Article of that act will be breached.

#### **11.0 Conclusion**

11.1 Having regard to the nature, scale and location of development, it is considered that the development would not lead to any significant adverse impacts on the character of the area and would also not adversely impact on the amenities of the occupiers of neighbouring properties. The proposal would enhance recreational activities in the area and would thus be in accordance with relevant provisions of Core Strategy Policies SP1, EN1, SAP DPD SAP 4 and Sections 6 and 12 of the National Planning Policy Framework.

**RECOMMENDATION: that the development is Approved subject to the following conditions**

**Approved Plans**

1 The development hereby permitted shall be carried out in accordance with the following list of approved plans:

- i. Proposed Plans (received 2 August 2018)
- ii. Paddock Plan (received 9 October 2018)

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

**Ongoing Conditions**

2 The access gate from School Lane shall be opened a minimum of 20 minutes prior to each dog agility session commencing.

Reason: To ensure that there is no build-up of vehicles on the highway when customers arrive prior to their dog agility session so as to enable clear unrestricted access for customers accessing the field.

3 No more than 6 dogs shall participate in an agility session at any one time within the training area to the north of the access gate off School Lane.

Reason: For the avoidance of doubt about the size of group training sessions hereby permitted and to ensure that the development is compliant with SAP 4 DPD (2014) and EN1 (Core Strategy 2010) so as not to cause disturbance to neighbouring occupiers.

4 No dog agility session shall be permitted other than within the following permitted times:

- Monday 09:00 - 17:00hrs
- Tuesday 09:00 - 20:00hrs
- Wednesday 09:00 - 20:00hrs
- Thursday 10:00 - 17:00hrs
- Friday 09:00 - 17:00hrs
- Saturday 09:00 - 17:00hrs

Reason: To ensure that the development is compliant with SAP 4 DPD (2014) and EN1 (Core Strategy 2010) so as not to cause disturbance to neighbouring occupiers.

5 A maximum of one open day event where more than 6 dogs are in attendance shall be permitted, per calendar year. This event shall take place on a Saturday between:

10:00 - 16:00hrs

Reason: A fun day event comprises of a range of exercises with dogs and their owners and is designed to provide an annual event for members of the agility club. This condition is attached to ensure that the development is compliant with SAP 4 DPD (2014) and EN1 (Core Strategy 2010).

6 Personal use of the site by the applicant for the training of dog(s) to which the applicant is personally responsible for as the owner shall be carried out on not more than one session per day for a maximum period of two hours between:

09:00 - 20:00hrs Monday to Sunday.

Reason: For the avoidance of doubt and to ensure that the development is compliant with SAP 4 DPD (2014) and Policy EN1 of the Core Strategy 2010.

**Standard Note(s) to Applicant:**

1 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.

2 LCC Highways & SuDS

The permitted development requires the formation of an upgraded vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

3 LCC Countryside Service

i, It is expected that there will be no encroachment, either permanent or temporary, onto the rights of way as a result of the proposal.

ii, The construction should not pose any dangers or inconvenience to the public using the rights of way.

iii, If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public rights of way, prior permission to modify or erect such a feature must be sought from the County Council.

4 Environmental protection (SKDC) - Applicant may wish to consider a Noise Management Plan and detail how they would control noise from dogs barking through supervision and a complaints procedure.

