



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

26 August 2021



S21/0899

Proposal:	Use of land for dog exercising/training, 1.8m high fence, and parking area
Location:	Land North Of The Leas, Hough Road, Grantham, Barkston
Applicant:	Ms C Watson, Westfield Farm, Station Road, Barkston NG32 2NT
Agent:	Mr Mike Sibthorp
Application Type:	Full Planning Permission
Reason for Referral to Committee:	Major Application
Key Issues:	Principle of Development Impact on character and appearance Impact on neighbouring residential amenity Impact on Highways
Technical Documents:	Site Location Plan Proposed Block Plan Design and Access Statement

Report Author

Ellie Sillah, Senior Planning Officer



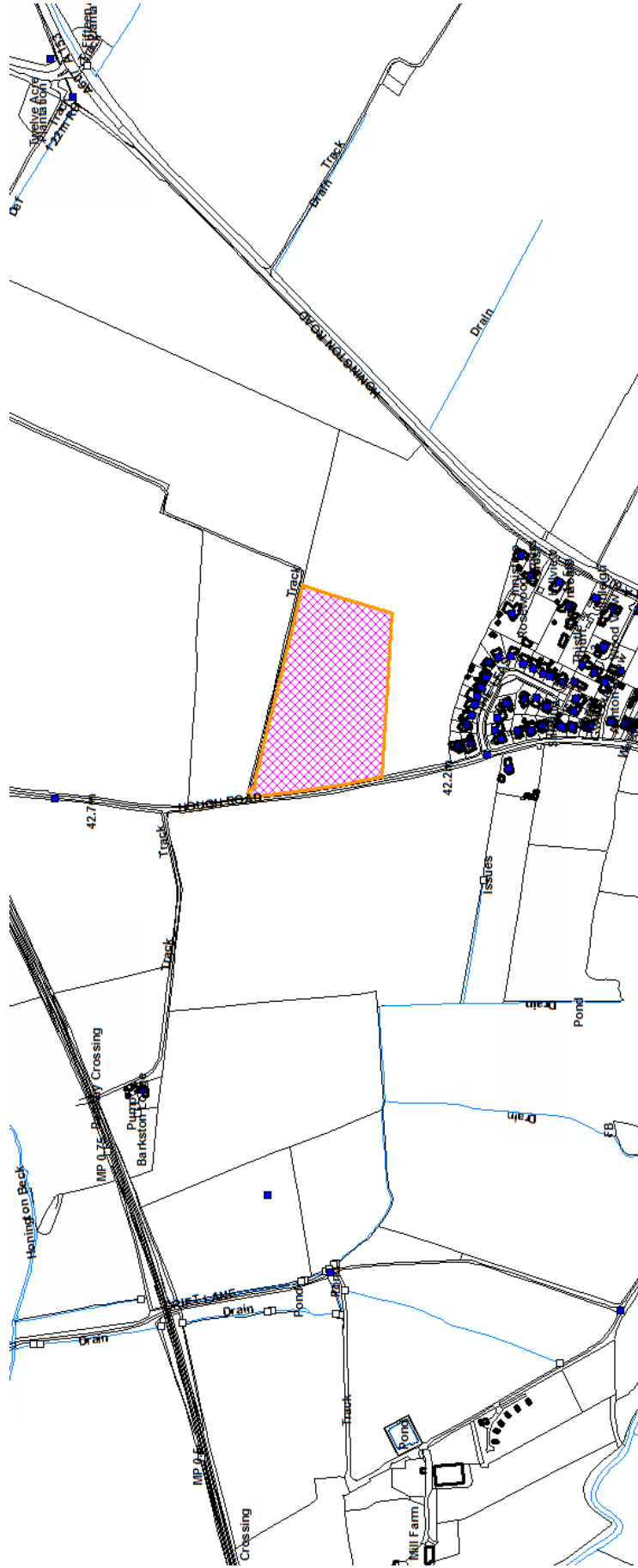
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Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Peascliffe & Ridgeway
Reviewed by:	Chris Brown, Principal Planning Officer	10/08/21
Recommendation (s) to the decision maker (s)		

That the application is approved conditionally.



Key



Application
Boundary



1 Description of Site

- 1.1 The application site area is approximately 2.5 hectares. It is located to the east of Hough Road, north of the village of Barkston, and is within the open countryside. The closest residential dwellings are approximately 92m south of the site boundary. Surrounding the site is agricultural land.

2 Description of Proposal

- 2.1 The application seeks planning permission for the change of use of land from agricultural to a dog exercising/training area, with an informal parking area for approximately 6no. cars. The exercise/training area would be enclosed by a 1.8m high green mesh fencing. The proposed hours of operation would be during daylight hours. No lighting is proposed.
- 2.2 The plans have been revised throughout the lifetime of the application to include a hedgerow along the southern and eastern boundaries of the site, and a waste bin within the car parking area. A noise mitigation plan has also been submitted.

3 Relevant History

- 3.1 No relevant planning history.

4 Policy Considerations

- 4.1 SKDC Local Plan 2011 - 2036**
Policy DE1 - Promoting Good Quality Design
Policy E7 - Rural Economy
Policy SP5 - Development in the Open Countryside
Policy ID2 - Transport and Strategic Transport Infrastructure
- 4.2 National Planning Policy Framework (NPPF)**
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places

5 Representations Received

5.1 Parish Council – Comments received

- 5.1.1 The Parish Council does not object outright to this application but has some reservations, reflecting the opinions of Parish Council members and of the residents of The Leas and Hough Road. The Parish Council request that appropriate conditions be attached regarding the use of the dog walking/training facility, to cover the following issues:
- 5.1.2. A solid management plan.
- 5.1.3 a. The hours of use should be restricted. The Planning Statement at point 10 refers to these as being 'within daylight hours'. This is too vague and could theoretically be up to 9.30am/10pm in the summer.

- 5.1.4 b. The number of users at any one time should be laid down. Nothing concrete is offered in the application, save for a general remark in para. 26 in regard to car parking spaces that the number of these provided (6) 'exceeds what would be required'.
- 5.1.5 c. The question of dog waste, its collection and disposal, is not referred to and should be addressed.
- 5.1.6 d. An application, with a management plan, should be submitted each time a public event is held on site.
- 5.1.7 e. As laid down in the application, strictly no kennels should be on site for day or overnight use.

2. Traffic

- 5.1.8 The Parish Council request that Highways assess the impact of the use of the existing access onto Hough Road.
- 5.1.9 a. The Parish dispute that the proposed access has 'good interrupted visibility in each direction, adequate for prevailing vehicle speeds'. The speed limit at this point is 60mph. The road is narrow with difficulty for two vehicles to pass each other. Passing places are few. For vehicles exiting the site looking northwards, there is a blind bend.
- 5.1.10 b. The Parish Council also dispute that 'the development will not generate excessive levels of traffic'. It seems very likely that there will be increased traffic along Hough Road with possible parking at times on verges, in The Leas and along Hough Road.
- 5.1.11 3. Noise Pollution. There is no evidence provided that 'dogs are unlikely to noisy' - and in the Parish Council's opinion none can be provided before the event. Unless numbers are strictly controlled noise pollution could occur.
- 5.1.12 4. Future development on this site. The Parish Council will object to any future proposals to put kennels on site and to develop the business away from dog walking/training by the client and by paying members of the public and the occasional one to one dog training.

5.2 LCC Highways & SuDS

- 5.2.1 Requests that any permission given by the Local Planning Authority shall include the conditions below.
- 5.2.2 CONDITIONS (INCLUDING REASONS)
- 5.2.3 There is no precise definition of "severe" with regards to NPPF Paragraph 109, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:
 - o The highway network is over-capacity, usually for period extending beyond the peak hours
 - o The level of provision of alternative transport modes
 - o Whether the level of queuing on the network causes safety issues.

- 5.2.4 In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.
- 5.2.5 HP11A - Prior to first occupation on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

5.2.6 Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit

<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

5.3 Environmental Protection Services (SKDC)

- 5.3.1 Reference your memorandum dated 11th May 2021; Environmental Protection has reviewed the documents in respect of the above application and has the following comments to make:
- 5.3.2 The applicant must make provisions for dealing with dog faeces. The activity will be classed as a commercial operation and under Duty of Care the applicant will potentially require a trade waste to collect/remove faeces or the applicant utilises a composting system.
- 5.3.3 I would recommend that the applicant displays usage and safety rules for the facility, whether at location or electronically with a booking for when private booking are made by the general public. The proposed location is away from residential properties; however I would recommend that the operation of the activity has a noise management plan and every effort is made to control barking from the dogs.

6 Representations as a Result of Publicity

- 6.1 We have received a total of 21 representations from local residents – 16 objections, 4 supporting comments, and one neutral. The comments are summarised below:
- 6.2 Objections
- Noise from continuous barking

- Noise from extra traffic using Hough Road
- No noise management plan
- Noise will deter wildlife from area
- Insufficient parking provision – will lead to vehicles parked on narrow, busy lane
- Increase in traffic will cause danger to users including pedestrians, cyclists and other drivers
- Fence will be unsightly and out of keeping with rural character
- Residents of village have the right to peace and quiet
- Lack of detail/evidence in application
- Proposal would be better located elsewhere not near village
- Concern permission would lead to other development proposals on site
- Concern over times of use 'dusk'/daylight hours could be as late as 10pm in Summer
- No welfare facilities provided for users
- No mention of the no. of dogs
- No plan for removal of dog waste or general litter
- The revised plan includes hedgerow along boundary, neighbours not consulted this is underhanded

6.3 Support

- Fantastic idea for dog owner community
- Would be very popular
- Safe place to exercise dogs
- Applicant owns other business and manages it very responsibly
- Secure place for reactive dogs

6.4 Neutral

- Surface of road is already breaking up – this may increase the issue
- Road is a designated cycle route
- Agricultural vehicles use the road

7 Evaluation

7.1 Principle of Development

7.1.1 The site lies within the open countryside. Policy SP5 of the Local Plan limits development within the open countryside to proposals that have an essential need to be located outside of the existing built form of a settlement. The policy identifies rural diversification as an appropriate form of development subject to a site specific impacts.

7.1.2 Policy E7 (Rural Economy) of the Local Plan supports proposals for small business schemes including Rural enterprise, provided that it is demonstrated that the business will help to support or regenerate the rural economy.

7.1.3 Proposals must demonstrate that they meet all of the following criteria:

- a) be of a scale appropriate to the rural location;
- b) be for a use(s) which is(are) appropriate or necessary in a rural location, providing local employment opportunities which make a positive contribution to supporting the rural economy;

c) the use / development respects the character and appearance of the local landscape, having particular regard to the Landscape Character Assessment, and will not negatively impact on existing neighbouring uses through noise, traffic, light and pollution impacts; and
d) avoid harm to areas, features or species which are important for wildlife, biodiversity, natural, cultural or historic assets, including their wider settings.

Schemes will also be required to ensure that the development meets the requirements of national and local planning policies which control the form, scale, design and impact of new development.

- 7.1.4 Part 6 of the NPPF (paragraph 83) supports planning policies and decisions which enable the development and diversification of agricultural and other land-based rural businesses.
- 7.1.5 The submitted Planning Statement states that the provision of secure, safe areas for the exercising of dogs - generally rentable by the hour - are becoming increasingly popular and in-demand facilities, as open-space locations where dogs can be allowed to exercise freely, off a lead, become more limited. The criteria set out in Policy E7 has been addressed within the statement in table form. It is stated that the proposal would create local employment - it is not clear how many new jobs (if any) the proposal would create however the facility would expand an existing business to meet current demand. I consider the proposal would enable the continued employment of the existing business, as well as a facility for self employed dog trainers to use. As such, the proposal does not conflict with the policy.
- 7.1.6 The use requires the rural location for sufficient space. The scale is considered appropriate for the level and types of use proposed. There are no historic assets nearby to the site that would be impacted. It is not considered the proposal would impact any protected species negatively. A new hedgerow is proposed along two boundaries which could increase biodiversity on site. It is not considered the proposal would have an unacceptable impact on the character of the area - this is discussed in more detail below.
- 7.1.7 Given the above, I consider the proposal acceptable in principle, as a rural diversification project, subject to a site specific assessment.

7.2 Impact on the Character and Appearance of the Area

- 7.2.1 Policy DE1 expects new development to make a positive contribution to the character of the area and not have an adverse impact on the landscape or character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area.
- 7.2.2 Paragraph 130 of the NPPF requires new development to function well in the long term, be visually attractive with appropriate and effective landscaping; to be sympathetic to local character and history; and establish or maintain a strong sense of place.
- 7.2.3 The proposed fencing would have the most impact in terms of visual amenity. It would be mesh/wire fencing in a green colour. The green colour and light density of the fencing would reduce its impact given the green surroundings and it would set back from the public highway. Aside from users of the space, the likelihood is the development would only be seen by passers by in vehicles travelling at relatively high speeds (the road is national

speed limit). Furthermore, considering what could be implemented as permitted development, I consider the proposed fence to be acceptable. A more solid boundary treatment would not be considered appropriate for the character of the area - therefore I consider it reasonable to remove permitted development rights by condition if the application is to be approved.

7.2.4 Notwithstanding the above, the plans have been revised during the lifetime of the application to include a hedgerow along the southern and eastern boundary of the site which will help to mitigate any visual impact when viewed from the nearest dwellings, as well as from the public highway to the east. This would be more in keeping with the rural character of the area.

7.3 Impact on Residential Amenity

7.3.1 Policy DE1 of the Local Plan seeks to ensure that new development does not result in an adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light. Proposals should minimise crime and the fear of crime.

7.3.2 Paragraph 130 (f) of the NPPF provides development should 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 ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.3.3 No lighting is proposed as part of the proposal as it is intended that the facility is used in daylight hours therefore there would be no light pollution as a result of the use. The nearest dwellings are 92m from the site. The main use would be to exercise dogs with occasional training sessions held at the site. Given the separation distance to the dwellings, I do not consider that there would be unacceptable levels of noise. For the same reason, there would be no impact on residential amenity in terms of a loss of privacy or light. Subject to the facility being appropriately secured at night/after sunset and when not in use (which can be conditioned if approved) I do not consider that the proposal would encourage or alter the level of crime or fear of crime within the area.

7.3.4 Further to objections from neighbours raising concern of excess noise, the plans have been revised to include hedgerow along the boundary, between the site and the dwellings to the south. This would aid in mitigating any noise that may occur from barking dogs. A noise mitigation plan has also been submitted which states in the unlikely event of persistent noisy behaviour by a dog, they will be excluded from classes.

7.3.4 The primary use of the site would be for the applicant to exercise dogs as part of her existing business, and for individual dog owners to hire the area on an hourly basis. Therefore, the dogs would not be around other unknown dogs, which is often the cause of barking. In the case of the dog training sessions these would be limited in number in both frequency and the number of dogs per class to minimise the potential for noise. This can be controlled by condition if the application is approved.

7.3.5 On the above basis, and subject to suitable conditions, I do not consider that there would be an unacceptable impact on residential amenity for the occupants of The Leas or within the village.

7.4 Highway issues

- 7.4.1 Policy ID2 of the Local Plan requires all new development to apply principles to reduce the need for travel, maximise the use of sustainable transport modes, and ensure there would be no severe impact on the safety and movement of traffic on the highway network.
- 7.4.2 Paragraph 111 of the NPPF directs that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.4.3 The proposal includes a parking area with 6no. spaces shown on the Block Plan. The existing access is proposed to be utilised. The comments from LCC Highways conclude that the proposal would not result in a severe impact with regard to NPPF. A condition requiring works to the access has been recommended which can be attached if the application is approved to ensure the access is adequate.
- 7.4.4 Many of the representations have raised concern that the proposal will result in cars parking on the public highway causing obstruction and danger for users. The conditions limiting numbers of dogs will help to control the number of vehicles needing to park on site at any one time and will greatly reduce the potential for vehicles to park on the public highway. I do not consider that the scale of the proposal would significantly increase the amount of traffic using Hough Road. Overall, I do not consider the proposal would have a detrimental impact on highways safety.

7.5 Other Matters

- 7.5.1 One comment notes that the plans were revised to include a hedgerow along the southern and eastern boundaries of the site and that neighbours were not notified of the revision. National guidance, as set out in the PPG, states that where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary in the interests of fairness. In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended.
- 7.5.2 Given that the addition of hedgerow is considered to be an improvement in terms of mitigating the visual impact of the fence as well as providing noise mitigation, it was not considered necessary to carry out a re-consultation.
- 7.5.3 Comments have been made in reference to dog kennels and future development on site. The application as submitted has to be assessed on its own merits therefore any potential future development cannot be taken in consideration. In any case, any development other than approved as a result of this application, would require a separate planning application.

8 Crime and Disorder

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

9 Human Rights Implications

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

10 Conclusion

10.1 To summarise, it is considered that the proposed use as a dog exercising/training facility is acceptable in principle, and that it would not result in any unacceptable impacts on residential amenity, the character of the area, or highways safety. The representations have been taken into consideration in the decision making process. It is noted that the number of objections is high, but further to assessing the proposal against the relevant policies within the Local Plan and the NPPF, I find no material reason to refuse the application. I therefore recommend that planning permission is granted.

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

Time Limit for Commencement

1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

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

MSP.1742/101E

Unless otherwise required by another condition of this permission.

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

Before the Development is Occupied

3 Prior to first use, a dog waste bin (as shown on the proposed block plan MSP.1742/101E) shall be provided on site and a contract shall be entered into with SKDC Commercial Waste Team for the removal of waste.

Reason: In the interest of amenity.

- 4 Prior to first use of the development hereby approved, the parking area as shown on proposed block plan MSP.1742/101E shall be provided. Any hard surfacing used shall be permeable. The parking area shall be retained for the lifetime of the development.

Reason: In the interest of highway safety.

- 5 Prior to first occupation on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

Ongoing Conditions

- 6 No more than 4no. dogs shall be allowed on site at any given time other than during training sessions.

Reason: In the interest of residential amenity.

- 7 The applicant shall keep an up to date booking register with details of users of the site and times used (including training sessions). The register shall be available for inspection at all times by the Local Planning Authority upon request.

Reason: To ensure the applicant is adhering to the limitations set out by the conditions in the interest of residential amenity.

- 8 The hawthorn hedge as shown on proposed block plan MSP.1742/101E shall be planted within the first planting season (between December and March) following commencement of the development and shall be retained for the lifetime of the development.

Reason: In the interest of visual amenity, residential amenity and biodiversity.

- 9 The safety/user rules shall be clearly displayed on site at all times.

Reason: In the interest of public safety.

- 10 The hours of use for the dog exercising/training facility hereby approved shall be restricted to daylight hours between the hours of 07:00 to 20:30 only.

Reason: In the interest of residential amenity

- 11 During training sessions, there shall be no more than 4no. dog owners in attendance with up to a maximum of 8no. dogs.

Reason: In the interest of residential amenity and highways safety.

- 12 The site shall be secured by locked gate at all times outside of the specified hours of use.

Reason: In the interest of residential amenity.

- 13 No more than 5no. group training sessions shall take place on site per week and no training sessions shall take place on any bank holidays or public holidays. Training sessions shall be held within daylight hours on Monday - Saturday (restricted to 07:00 to 20:30 during days when daylight hours exceed these times) and restricted to hours between 10:00 and 16:00 on Sundays. Each training session shall last for no more than 2 hours.

Reason: In the interests of residential amenity.

- 14 Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be constructed within or on the boundary of the curtilage of the site other than the fence shown on approved plan MSP.1742/101E.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area, and for this reason would wish to control any future development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

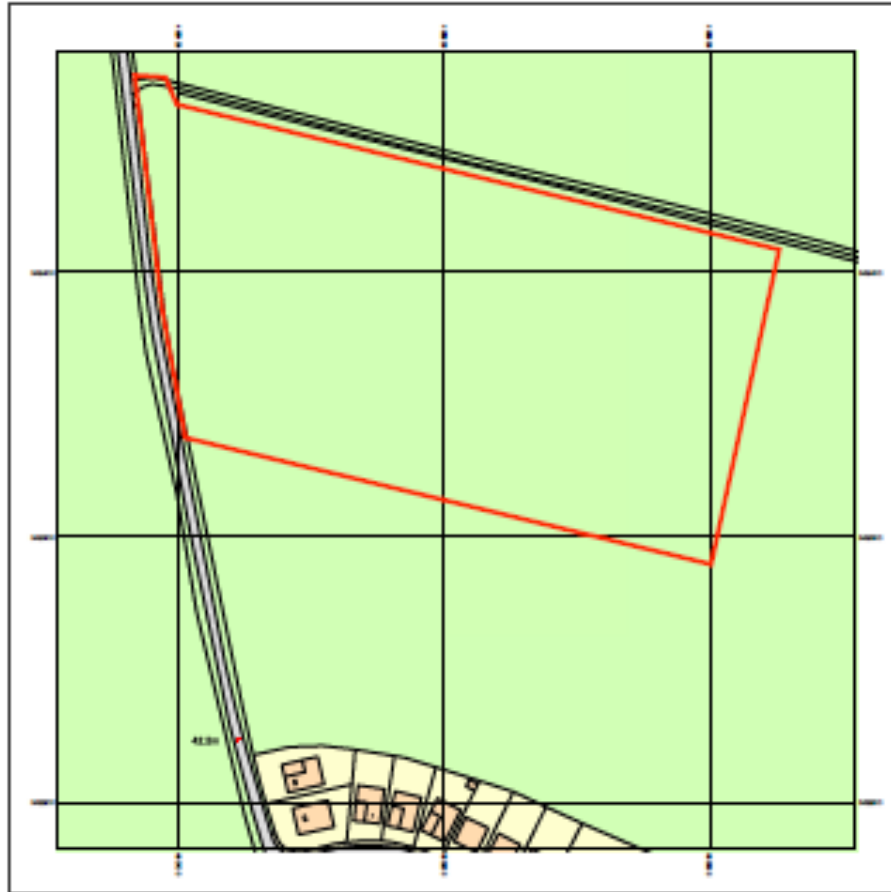
Standard Note(s) to Applicant:

- 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 The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk
- 3 For the avoidance of doubt, no buildings or permanent structures (aside from the boundary fence) are hereby permitted on site.

Site Location Plan

NATIONAL
MAP CENTRE

OS Plan Colour



SCALE 1:2500



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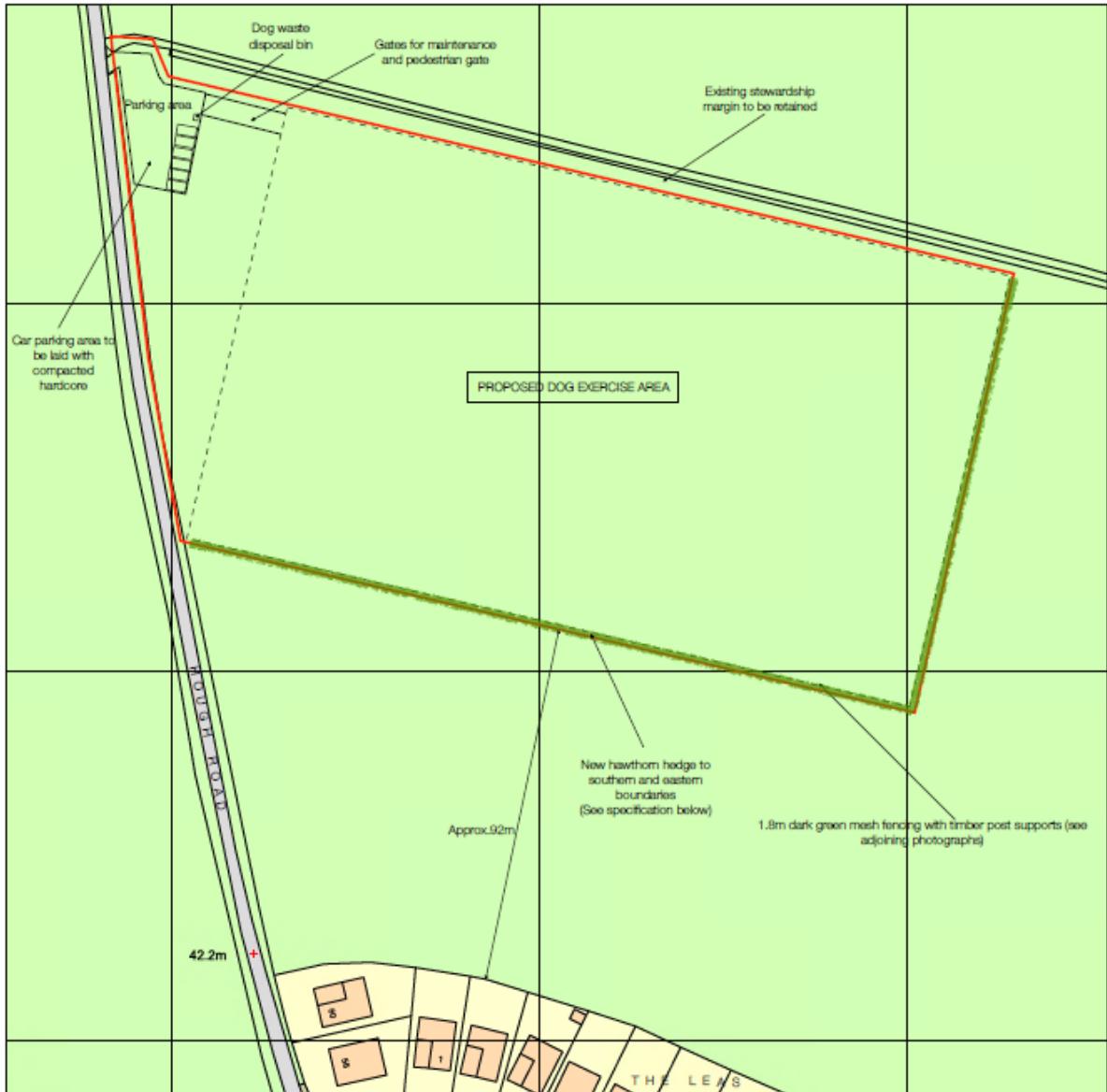
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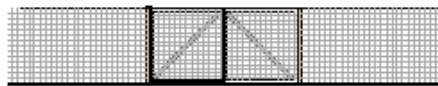
SITE LOCATION PLAN Scale 1:12500

Proposed Site Plan



BLOCK PLAN Scale 1:1000

Hawthorn hedge
60-80cm whips, planted between December and March. Double staggered row 30cm apart with average 5 whips per metre. Tubex rabbit guards applied.



FENCE / GATE DETAIL Scale 1:100

