

APPLICATION NO	PA/2022/2027
APPLICANT	Mr Christopher Haley
DEVELOPMENT	Planning permission for a change of use of vacant land to use as dog walking site, installation two LED flood lights & CCTV cameras
LOCATION	Low Hill Farm, access road to Low Hill Farm, Messingham, DN17 3PS
PARISH	Messingham
WARD	Messingham
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Neil Poole – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

North Lincolnshire Local Plan:

RD2 – Development in the Open Countryside

LC7 – Landscape Protection

T1 – Location of Development

T2 – Access to Development

T19 – Car Parking Provision and Standards

DS1 – General Requirements

DS11 – Polluting Activities

DS12 – Light Pollution

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering more Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape

CS25 – Promoting Sustainable Transport

Housing and Employment Land Allocations Development Plan Document:

Policy PS1 – Presumption in favour of sustainable development

North Lincolnshire Landscape Character Assessment & Guidelines

New North Lincolnshire Local Plan Submission:

The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1 – Presumption in Favour of Sustainable Development

SS2 – A Spatial Strategy for North Lincolnshire

SS3 – Development Principles

SS11 – Development Limits

EC6 – Supporting the rural economy

RD1 – Supporting sustainable development in the countryside

DQE1 – Protection of Landscape, Townscape and Views

T1 – Promoting Sustainable Transport

T3 – New development and transport

DM1 – General Requirements

CONSULTATIONS

Highways: Request a condition to secure parking prior to the development being brought into use.

LLFA Drainage: No objections or comments.

Environment Agency: No comments.

Environmental Protection: Concerned that the new use may have an adverse impact on nearby residential amenity as a result of the use itself and floodlighting. Recommend conditions to control both.

PARISH COUNCIL

No objections subject to reassurance that an assessment is carried out of the LED floodlights.

PUBLICITY

The application has been advertised by site notice. Two comments in support of the application have been received from members of the public raising the following points:

- This will be a great addition to the local area for dog owners to exercise their pets in a secure area. Added bonus of being able to buy a hot drink whilst the dogs have fun running around. I would look forward to using it.
- This area is crying out for secure places to exercise and train dogs - there is a very high demand for this kind of service. There are some lovely parks etc in the area but sadly they are not secure and can get very busy.
- This is an ideal alternative for dogs who wouldn't normally be walked off lead due to reactivity or lack of recall where they can be free to run and play and be trained in a safe place. It will be a huge benefit to local people and their dogs.

One letter has been submitted that supports the principle of the development but raises the following concerns:

- No thought has been given to the fact that the area is adjacent to a public footpath.
- Although the proposal shows the area properly fenced (open wire), the area is not screened in any way. It has an open view of the footpath, which is used regularly by walkers, ramblers, traffic to farms, fishing pond etc. Given that the dogs that use the facility may be nervous or reactive etc and there could be up to six dogs at any one time at the facility, I feel it should be fully screened where it runs adjacent to the drainage ditch and public footpath/access road to avoid any anxiety and excess noise for other users of the public footpath.
- The second entrance to Low Farm, through which the farmer accesses his field, is not gated, so there is a possibility wildlife (the area has several roe deer which roam freely) and/or other footpath users' dogs could go right up to the boundary fence of the exercise area, causing confrontation between dogs.

ASSESSMENT

The site and its location

The site is located on the southern side of West Common Road, around 480m from the junction with North Moor Lane. To the south is a dwelling (Low Hill Farm, occupied by the applicant) and land and buildings associated with the North Moor Aero Club. Otherwise the site is surrounded by flat, open agricultural land. Further to the north are agricultural buildings and a sewage treatment plant. Further south, on Butterwick Road, are Messingham Zoo and the Lincolnshire Golf Academy.

The site itself is a grassed field measuring some 1.9 acres (approximately 0.76 hectares). There is a farm gate with a short hard-surfaced access leading from West Common Road, which terminates just a couple of metres past the gate. Google Earth shows what is assumed to be a static mobile home, which previously appears to have been used in connection with the Aero Club, within the field approximately 80m back from the road, although this now appears to have been reorientated and moved closer to the road. Between the road and the edge of the site is a grass verge and ditch. There are currently no boundary treatments to speak of, which is common in the immediate landscape. A row of ornamental trees line the access road to the dwelling, immediately to the east of the site.

West Common Road is a Public Right of Way (PROW). The road (and PROW) turns northwards immediately after the application site and a PROW also continues in a westerly direction as a recreational footpath.

Planning history

PA/1999/1191: Planning permission to change the use of land to a private aero club and grass air strip – refused

PA/2000/0623: Planning permission to change the use of land to grass airstrip and private aero club including siting of pre-fabricated buildings and surfaced car park with associated facilities (re-submission of 1999/1191) – granted with conditions

PA/SCO/2022/6: EIA scoping request for a Humber Low Carbon Pipeline

The development

The application proposes the change of use of the field to a dog walking site. The application also proposes fencing all around the site, the provision of two secure gravelled car parks, the installation of lighting and CCTV cameras. The existing static caravan is proposed to remain in its present location to allow for LED flood lighting of the secure dog walking area and for customers to provide a seated observation area within the caravan, a toilet and refreshment, as well as water for their dogs.

The applicant explains that secure dog parks have become very popular in the UK in recent years. The benefits of the proposed use in this case include the following:

- a safe place to exercise dogs off lead that are reactive or timid
- extra security for people with disabilities (prevent dog theft or dog wandering off)

- two separate gravel car parks to prevent dogs meeting at change over
- LED flood lighting to allow people with limited free time to access when dark
- 1.8m-high V-MESH green fencing which maintains openness of field
- promotes responsible dog ownership
- off-leash secure fenced dog parks are an important option for reducing the large number of dogs being exercised off-leash and without being under effective control.
- the proposed secure dog park is over 300m away from all neighbouring rural properties.
- there are no other secure dog parks in the area
- easy vehicle access from North Moor Lane onto West Common North Road to Low Hill Farm
- local job creation for site maintenance (grass cutting and static caravan cleaning)
- disabled accessible friendly.

Material considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act states that, in dealing with an application for planning permission the local planning authority shall have regard the provisions of the development plan, so far as material to the application, any local finance considerations, so far as material to the application, and any other material considerations.

In this instance, the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS). Other material planning policy considerations include the National Planning Policy Framework (the NPPF), the emerging North Lincolnshire Plan and a suite of supplementary planning documents as specified above.

The main issues for consideration are the principle of development, and impact on landscape, and on the character and appearance of the area.

The principle of development

Policy CS1 of the Core Strategy sets out a spatial strategy for North Lincolnshire, which, amongst other matters, states that in the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities.

Policy CS3 provides that outside settlement boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside of any designated development limits.

Saved local plan policy RD2 restricts development in the open countryside. It allows for various types of development appropriate to a rural area, including employment-related development appropriate to the open countryside, and that which is essential for the provision of outdoor sport, countryside recreation or local community facilities.

These exceptions are subject to various criteria, including that the open countryside is the only appropriate location and the development cannot be located within development boundaries, the development accords with the local plan as a whole, there would be no detriment to character and appearance of the area, the development would not be detrimental to residential amenity or highway safety, accessibility to local transport and that best use is made of existing and new landscaping.

Similar policies are included in the emerging local plan which has been submitted for examination but at this stage is given limited weight in the decision-making process.

In terms of benefits, these are necessarily limited by the scale of development. The proposal would result in economic benefits, both during and post-construction, including the creation of additional employment opportunities, and the creation of a facility for use by local residents.

In conclusion, the principle of development is capable of being acceptable; however, this depends on the assessment of the proposals against the criteria of the relevant development plan policies, and in particular the impact on landscape and the character and appearance of the area.

Landscape/character and appearance of the area

In addition to the requirements of policy RD2 set out above, local plan policy LC7 requires special attention to be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted. This is reflected in policy CS16 of the Core Strategy, and the NPPF which encourages planning decisions to recognise the intrinsic character and beauty of the countryside.

Core Strategy policy CS2 requires a high standard of design. Development should contribute towards the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities. Policy CS5 requires good design which is appropriate to its context. Proposals should consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area.

Local plan policy DS12 sets out that planning applications which involve light-generating development, including floodlighting, will only be permitted where it can be demonstrated that there would be no adverse impact on local amenities.

The NPPF similarly calls for high quality design. In particular, paragraph 130 requires, among other things, developments which will function well and add to the overall quality of the area; are visually attractive as a result of, among other things, good layout; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place; and 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.

The site falls within the Trent Levels character area as defined in the North Lincolnshire Landscape Character Assessment & Guidelines (LCAG). This area's key characteristics include that it is a generally flat open landscape with occasional rising ground and little vegetative cover, with a large open field structure defined by well-maintained drainage ditches. The landscape offers expansive views with very little diversity in character.

The application site is set within a distinct area of open landscape as described in the LCAG. Whilst existing vegetation would screen the proposed development when viewed from the east, when travelling from the west or north along the PROWs, and from in front of the site, there would be clear views across the site. The proposed fencing would be an alien feature in the immediate landscape which is devoid of such features. The applicant has suggested the impact of the fencing could be mitigated by additional hedgerow planting; however, any additional structural landscaping would in itself represent an alien feature in the landscape. The provision of fencing and landscaping would therefore cause harm to the immediate landscaping. This would be compounded by the proposed car parking areas with security gates which would extend the fence closer to the PROW at the front of the site.

Whilst the applicant's adviser has indicated that the fencing could be permitted development (although officers do not consider this would necessarily be the case), the requirement for the fencing is necessarily driven by the use of the land as is demonstrated by the fact that fencing has not previously been erected.

The harm to the landscape would be further compounded by the proposed introduction of floodlights. The applicant has provided details of floodlights which would not have an unacceptable impact on bats. Whilst this is laudable from an ecology perspective, it does not address the landscape harm that would result from floodlighting on the site, a matter which has been recognised by the parish council in its consultation response. The introduction of floodlights would mean that the development would be intrusive from longer distance views and would harm the landscape at times when the floodlights are operational.

It is recognised that there are other commercial uses in the area as set out above. However, this does not justify further intrusion into the open countryside which would cause harm to its character and appearance. It is also recognised that there is some built form on the site in the guise of the static mobile home. It appears that a mobile home was permitted as part of the permission granted in 2000, however it is not clear whether the mobile home was sited pursuant to that permission; as set out above, it does appear to have been moved recently.

Overall, the design of the proposals does not respond well to its context and fails to recognise the intrinsic character of the area as required by the NPPF. It is considered that the proposed development, by reason of its general nature, the proposed fencing, hardstanding and floodlighting would have a harmful impact on the character and appearance of the countryside, and in particular the distinctive landscape within which the site is located. The proposals would be contrary to saved local plan policies RD2, LC7, DS1 and DS12, policies CS5 and CS16 of the Core Strategy and guidance in the National Planning Policy Framework.

Other issues

The site is accessed from a minor road leading from North Moor Lane. Whilst this road is also a PROW, the proposal would be unlikely to result in significant amounts of vehicular traffic. Parking and turning areas are proposed which would allow vehicles to park off the highway and be able to enter it in a forward gear. The Highways Officer raises no objection

subject to a condition requiring the parking/turning area to be provided before the development is brought into use.

The Environmental Protection Officer has recommended conditions to protect the amenity of nearby residents from both the use itself, and from the proposed floodlights. Nevertheless, there are no immediate neighbours, with the nearest residential property (other than the applicant's own property) approximately 350 metres away to the south, and even then, this is beyond the dwelling and buildings at Low Hill Farm. For that reason, it is not considered that the conditions would be necessary in this instance to protect nearby residents.

The site is within SFRA Flood Zone 2/3 (a) Fluvial. A flood risk assessment has been submitted which explains that no levels are proposed to be changed and that the site benefits from a new pumping station at Keadby. Notwithstanding this, the development is low key and will not significantly increase the risk of flooding elsewhere. North Moor Lane, and much of West Common North Road, is within Flood Zone 1 so there is safe access close to the site. As the use involves an open-air pursuit, it would be clear to any users arriving at the site whether there was a risk of flooding, just as it would when exercising a dog at any location. The applicant has indicated that they would sign up to the Environment Agency's flood warning scheme and this could be secured by planning condition if necessary. The LLFA has been consulted and raises no objection.

Conclusions and planning balance

As set out above the broad principle of development is acceptable. There are no unacceptable impacts in respect of neighbouring property, highway safety, flood risk or drainage.

The proposal would give rise to, albeit limited, economic benefits. There is also some benefit in the provision of a facility by members of the community who wish to exercise their dogs at a facility such as this one. These benefits must be weighed against any harms arising from the proposals. In this case there would be harm to the character and appearance of the landscape as identified in this report and it is not considered that the limited benefits identified above would outweigh this harm. The application is therefore recommended for refusal.

RECOMMENDATION Refuse permission for the following reasons:

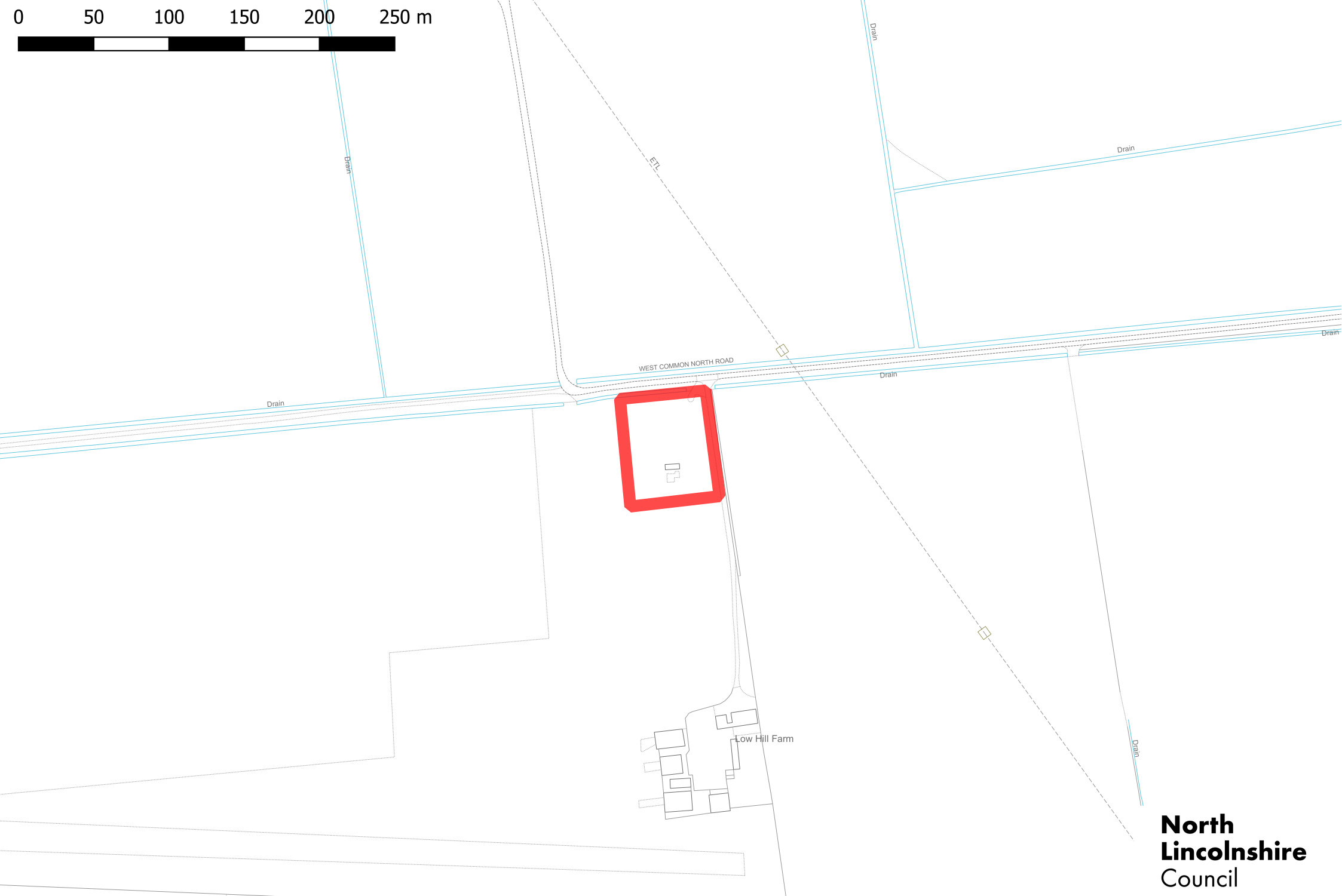
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The proposed development, by reason of its general nature, the proposed fencing, hardstanding and floodlighting, would have a harmful impact on the character and appearance of the countryside, and in particular the distinctive landscape within which the site is located. The proposals would therefore be contrary to saved policies RD2, LC7, DS1 and DS12 of the North Lincolnshire Local Plan, policies CS5 and CS16 of the North Lincolnshire Core Strategy and guidance set out in chapters 12 and 15 of the National Planning Policy Framework.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

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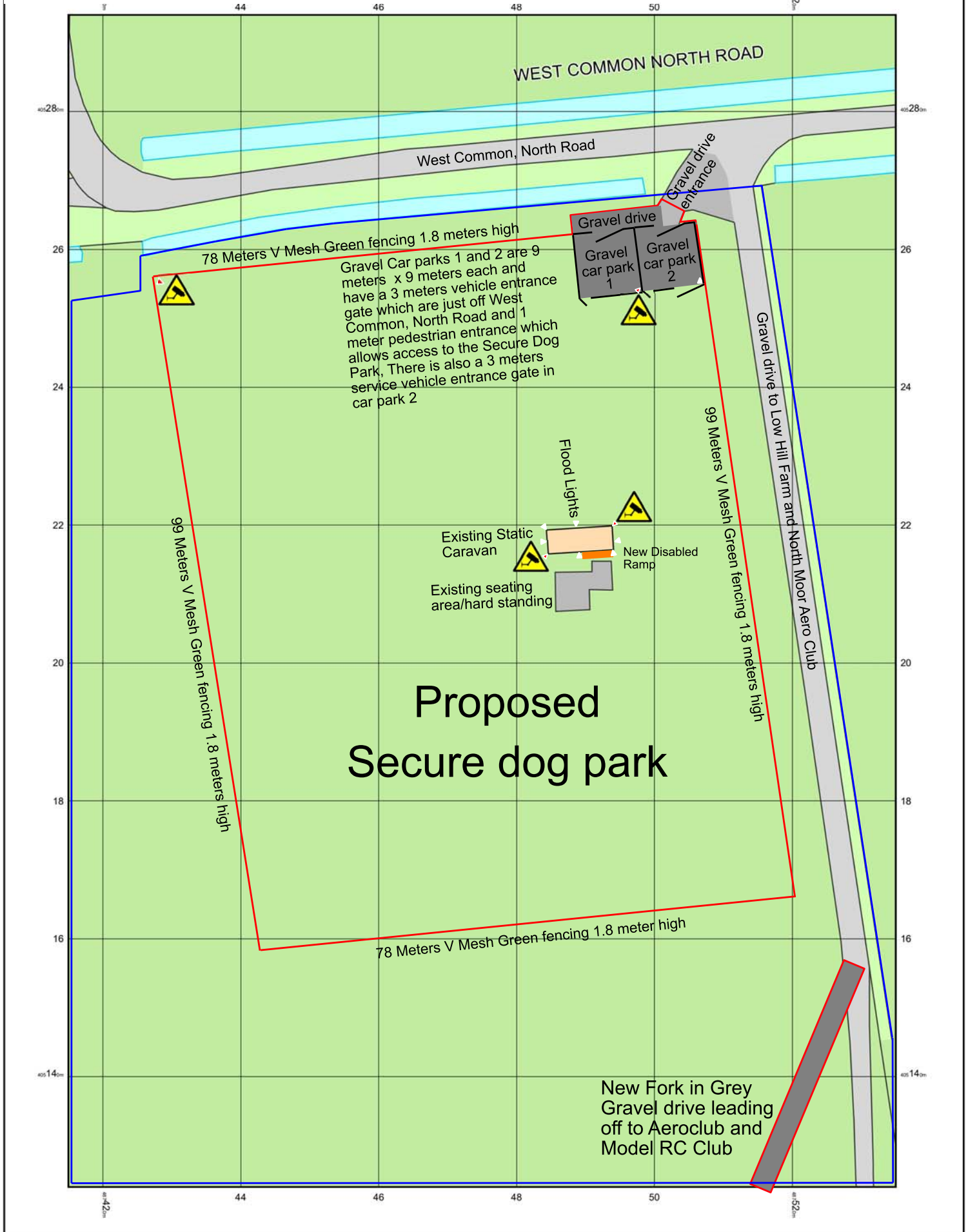
**North
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