

10. FULL APPLICATION – CHANGE OF USE OF AGRICULTURAL FIELD TO OFF-LEASH DOG WALKING AND TRAINING FIELD – LAND NEAR BANK TOP FARM, UNNAMED SECTION OF C39 FROM EXLOWMERE LANE TO B5056, WINSTER (NP/DDD/1119/1218, MN)

APPLICANT: MR IAN ROPER

Summary

1. The proposal is to change the use of an agricultural field to an off-leash dog walking and training field. In addition to the change of use of the land the development would include the provision of a car parking area within the field and the erection of a 1.68m tall galvanised stock wire and post fence around the edge of the field.
2. The proposal amounts to establishing a new business in the countryside, and is contrary to planning policy in principle.
3. The erection of fencing around the edge of the site would also harm the character of the landscape in this location, as would the parking area when occupied.
4. For these reasons the application is recommended for refusal.

Site and surroundings

5. The application site is roadside agricultural field located approximately a quarter of a mile south west of Winster village.
6. The site is given over to grass with a gated access into it from the road, located next to a small pent-roofed stone building that is positioned in the north eastern corner of the field, next to the roadside.
7. There are several agricultural buildings visible from the site in the surrounding landscape, as well as a dwellinghouse approximately 150m to the east, but the landscape is otherwise open countryside in agricultural use and free from built development. It is characterised by low drystone field boundaries and – in places – these are reinforced by small post and wire stock fences.
8. Aside from the aforementioned dwelling, there are no other residential properties in close proximity to the site.
9. The site is outside of any designated conservation area.

Proposal

10. To change the use of an agricultural field to an off-leash dog walking and training field. In addition to the change of use of the land the development would include the provision of a car parking area within the field and the erection of a five and a half foot tall galvanised stock wire and post fence around the field boundary. The pent roofed building in the field is within the application site area and so approval of the application would also permit the use of this building in association with the use of the field for dog walking and training.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **The proposed development is contrary to planning policy E2 as it does not represent a type of business development permitted in the countryside by this policy.**
2. **Because the development fails to make a contribution to the understanding and enjoyment of the National Park, is not appropriate to the National Park's valued characteristics, and does not make a clear demonstration of need for an open countryside location, it is contrary to policy RT1.**
3. **The proposed fencing and use of the site for car parking would have a harmful impact on the traditional agricultural character of the locality, contrary to policies L1, DMC3, RT1, and paragraph 172 of the NPPF.**
4. **The use of the site for dog walking and training would be prejudicial to the existing use of the surrounding land for farming.**
5. **The proposed use would harm the relative tranquillity of a valued area of recreational and amenity value, contrary to paragraph 180 of the NPPF.**

Key Issues

- Whether the change of use proposed is acceptable under the Authority's planning policies in principle
- The impacts of the development on the landscape character of the area
- The amenity impacts of the development

History

No relevant planning history.

Consultations

Highway Authority – Requested that the application be referred to them for further highway consideration, but no other response received.

Parish Council – Unable to support or object to the application due to insufficient information being available at the time of the parish council meeting

District Council – No response at time of writing.

Representations

21 letters of representation have been received relating to the application; 8 in support of the proposal and 13 objecting to it.

The material grounds for objection are summarised as:

- The detrimental appearance of the fence
- Highway safety matters related to use of the access and on-road parking based on traffic speeds and proximity to a junction
- Risk of harm to, and unsettling of, livestock
- Risk of disease being spread from dogs and their waste
- Noise pollution from the use – and that the use of the building on the site for kennelling of dogs would further increase noise impacts

- There is no need for the development, with footpaths around the local area already available to dog walkers
- The loss of a section of the field to car parking would increase carbon emissions
- The loss of use of the field from agriculture would be detrimental to a long established farming business
- The development would result in a public nuisance

The material grounds for support are summarised as:

- Such a facility is needed by the community
- It would decrease risks to local wildlife and livestock
- The field is currently neglected
- The proposal would have a low visual impact
- The road off which the site is accessed is little used, minimising any highway safety risks
- There would be no amenity impacts on any residential properties due to the distance of the site from these
- It would encourage tourist stays in the village, benefiting local businesses
- It would provide a social space for local people

Main policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, RT1, E2, CC1

Relevant Development Management Plan policies: DMC3, DMC4, DMT6

National planning policy framework

11. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The National Planning Policy Framework was revised in 2019. This replaces the previous document (2012) with immediate effect.
12. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
13. Paragraph 172 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
14. Amongst other things, paragraph 180 details that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects on the natural environment, including identifying and protecting tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

15. Development plan

16. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.
17. Core Strategy policy DS1 outlines the Authority's Development Strategy, and states that the majority of new development will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.
18. Policy L1 of the Core Strategy identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
19. Core Strategy policy E2 addresses businesses in the countryside. It states that proposals for business development in the countryside outside the Natural Zone and the named settlements in policy DS1, must take account of the following principles:
 - A. Businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations. However where no suitable traditional building exists, the reuse of modern buildings may be acceptable provided that there is no scope for further enhancement through a more appropriate replacement building.
 - B. On farmsteads, or groups of estate buildings, small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for estate or land management. The primary business must retain ownership and control of the site and building, to ensure that income will be returned to appropriate management of the landscape.
 - C. Business use in an isolated existing or new building in the open countryside will not be permitted.
 - D. Proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes.
 - E. Ancillary retail operations must be small scale and principally offering for sale goods which are produced at the premises.
20. It states that beyond this policy and policies RT1, RT2 and RT3, there is no scope for setting up new businesses in the countryside.
21. Policy RT1 of the Core Strategy addresses recreation, environmental education and interpretation, stating that such proposals must conform to the following principles:
 - A. The National Park Authority will support facilities which enable recreation, environmental education and interpretation, which encourage understanding and enjoyment of the National Park, and are appropriate to the National Park's valued

characteristics. Opportunities for access by sustainable means will be encouraged.

- B. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity, and be informed by the Landscape Strategy. Where appropriate, development should be focused in or on the edge of settlements. In the open countryside, clear demonstration of need for such a location will be necessary.
22. Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy (reducing the need for energy; using energy more efficiently; supplying energy efficiently; and using low carbon and renewable energy) to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.
23. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
24. Development Management policy DMC4 addresses settlement limits stating, amongst other things that development that is separated from the existing settlement to such a degree that it no longer forms part of the whole, or is likely to result in pressure to infill an intervening gap, will not be permitted.
25. Development Management policy DMT6 deals with business parking, stating that new or enlarged car parks will not be permitted unless a clear, demonstrable need can be shown.
26. **Assessment**
27. **Procedural matters**
28. A letter of representation from a co-owner of the land has stated that they were not notified of the application prior to its submission, as has been stated on the submitted application form.
29. We have followed this up with the applicant, who has advised of the date on which they wrote to this joint landowner to notify of them of the forthcoming application, and provided a photograph of the form that they state was posted to them.
30. Based on the applicants account it is considered reasonable to accept that notice was correctly served.
31. If it was to later materialise that the notice had not been served as we have been advised then any decision issued would be open to challenge by the other landowner.
32. **Principle of change of use of the land**
33. We are of the view that this site is clearly within the countryside outside of Winster. This position has been challenged by the applicant in correspondence with us during the course of the application. Policy DMC4 is clear that development that is separated from the existing settlement to such a degree that it no longer forms part of the whole, or is likely to result in pressure to infill an intervening gap, will not be permitted. In this case,

there are several buildings in relative proximity to the application site, all of which are well removed from the built edge of Winster and are themselves therefore outside of the settlement. Rather than being within or on the edge of the village, we maintain that it is in an area of open countryside with scattered development across it – something typical of much of the farmed countryside of the National Park.

34. Having established that the development is in the countryside, policy E2 is of relevance, addressing as it does new businesses in the countryside. This policy only supports businesses in the countryside where they would be located in existing buildings in smaller settlements, on farmsteads, or in groups of buildings in sustainable locations. On farmsteads or groups of estate buildings it supports small scale business development provided that it supports an existing agricultural or other primary estate or land management business.
35. The policy is clear that beyond these provisions – and those made by policies RT1, RT2, and RT3 – there is no scope for establishing new businesses in the countryside.
36. The proposal, being development of a field and un-related to the re-use of existing buildings or farm/estate diversification, would not represent development of any of the types detailed by policy E2, and so is contrary to this policy.
37. During discussions with us over the course of the application the applicant has advised that the business would be based at their home, where bookings and administration would be handled. We remain of the view that the development would result in a new business in the countryside however, because this is where the operational part of the business would be carried out.
38. Beyond the policy provisions of E2 the only scope for business development in the countryside is where it is in compliance with policies RT1, RT2, or RT3.
39. RT2 and RT3 are not relevant to the assessment of this proposal, addressing the provision of holiday accommodation and campsites respectively.
40. Policy RT1, though, addresses proposals for recreation, environmental education and interpretation.
41. Whilst a case could be made for the development being for recreational development, those with dogs to walk or train would most likely already be doing so in the locality and so any contribution to the understanding and enjoyment of the National Park arising from the development would be very slight, if any at all. This is a requirement of recreational development for it to comply with RT1.A, and so the development would conflict with this provision.
42. Further, and as discussed in the 'landscape impacts' section of this report (below), it would not be appropriate to the National Park's valued characteristics, also conflicting with RT1.A.
43. Finally, we are not satisfied that the application makes a clear demonstration of need for an open countryside location, as RT1.B requires.
44. For these reasons, the development is contrary to planning policy in principle.
45. The co-owner of the land has raised concerns that the loss of the field to the proposed use would have a detrimental impact on his business. However, he explains that he has sole use of this land until such time that he decides to cease farming, and so approval of the application would not result in this impact.

46. Impacts of the development on the character and appearance of the landscape

47. The field is currently bounded by low drystone walls. The application proposes introducing a new fence around the boundary of the field, on the inside of the walls. This would be a galvanised wire fence with round wooden fence posts supporting it, and would be 5.5 feet tall.
48. The substantial posts, heavy duty wire grid panels, and height would collectively be wholly out of keeping with the immediately surrounding boundary treatments. These are almost exclusively low drystone walls with some areas of low post and wire stock fencing.
49. This would result in harm to the traditional agricultural character of the landscape in this location, contrary to L1, DMC3, RT1.A, and paragraph 172 of the NPPF.
50. During discussions with us during the course of the application the applicant has made reference to similar fencing being in place near Birchover. No precise location has been provided and there is therefore insufficient information to allow us to compare the sites but, in any case, the presence of a fence in a different location and removed from the application site by some distance would not affect our view of the impacts of the current proposal.
51. The applicant has also offered to plant a hedgerow around the fence to reduce its impact. A tall hedgerow around the site would appear equally out of keeping with its setting however, as any hedgerow in the locality is generally limited to scrub around the existing drystone walls.
52. In terms of the proposed parking area, the application does not indicate that any new surfacing materials are proposed, although it is anticipated that some would be required in order for the area to remain accessible to vehicles in winter when the ground would be soft and wet. A simple ground reinforcement system (such as a built-in grass grid) would be likely to be able to achieve sufficient support for vehicles without having a significant impact on the appearance of the site.
53. However, the parking of vehicles in an area of approximately 12m x 18m would have more significant landscape impacts. Having multiple domestic vehicles parked in a countryside field that is open to wide public view would be incongruous, appearing out of keeping with the surrounding rural landscape. This fails to conserve the landscape character of the area, contrary to policies L1, DMC3, RT1.A, and paragraph 172 of the NPPF.
54. The proposed use to train dogs is also likely to involve the use of structures which will also have a landscape impact and an domestic appearance in open countryside negatively affecting the undeveloped appearance of the landscape in this location. This is contrary to policy L1 and DMC3.

55. Amenity impacts

56. Due to the remote location of the site relative to any residential dwellings there are no concerns regarding disturbance or loss of privacy.

57. Highway impacts

58. Given the location of the site is remote from the village and the lack of footpaths on surrounding roads it is accepted that – notwithstanding the identified landscape harm

that this would result in – a car park would be necessary for the operation of the business, meeting the requirements of policy DMT6.

59. The highway authority requested that details of the application be referred to them for comments, but none have been received at time of writing.

60. In terms of access, site users would need to stop their vehicles on the road in order to open the gate, which would open in to the site. Given the available visibility along the road at this location and the minor nature of the road this is not considered likely to lead to any issues of highway safety.

61. In terms of exiting the site in a vehicle, the existing stone building flanks the eastern side of the access. However, the verge in front of the access is relatively wide and would permit a view to the east to be achieved before entering the highway.

62. We also give weight to the fact that this is an existing access in agricultural use.

63. There are therefore no objections to the proposal on highway grounds.

64. Climate change mitigation measures

65. It is not considered that use of part of the site for car parking would have any discernible impacts on carbon emissions as suggested in some representations, particularly as the area could remain grassed.

66. No climate change mitigation measures have been proposed as part of this development. Given the scope of the physical works proposed it is not considered that such measures could be reasonably required however, and on this basis there is no objection to the development in terms of the requirements of policy CC1.

67. Other matters

68. Impact on use of surrounding land

69. A number of the letters of objection received raise concerns that the development could unsettle livestock, or – if they were to escape the field – harm them.

70. The site is bounded by agricultural fields to three sides, but subject to it entirely enclosing the site the proposed fencing would make their escape in to other fields unlikely. Several representations have stated that the proposed fencing would not be of adequate height to prevent large dogs escaping over the top of it.

71. There is certainly the potential for dogs to bark and unsettle livestock in the adjacent fields whilst at the site. Whilst this is true of dog walking in any location, the frequency and concentration of such disturbance proposed here would be considerably higher than would be the case in other locations.

72. On that basis – and irrespective of whether dogs could leap the fence to attack livestock – we conclude that the use of the site for dog walking has the potential to prejudice the use of the surrounding land for farming.

73. Noise impacts

74. The business is proposed to operate from 7:30am until 6:30pm (8:00am until 5:00pm on Sundays and bank holidays).

75. Whilst it is anticipated that the site would not be occupied at all times during these hours, if the business was to be successful then it would still be in regular use throughout the day.

76. The noise generated by the regular training of dogs at the site would not be in keeping with that likely to be experienced at the site and surrounding area at present. Noise at the site is likely to comprise that associated with the farming of the land at present, and that of traffic. Whilst the site is adjacent to a road and close to another, noise from passing traffic would not be sustained in the same manner that it could be from the proposed use. The site is therefore relatively undisturbed by noise and is valued for its recreational and amenity value, as it the majority of the countryside of the National Park

77. We therefore conclude that the proposed use would harm the relative tranquillity of a valued area of recreational and amenity value, contrary to paragraph 180 of the NPPF.

78. Ground pollution and spread of disease

79. The applicant proposes providing bags for users of the site to clean up after their dogs.

80. Whilst it has not been specified how these would be removed from the site, given the likely intensity of use of the field we consider it unlikely that the use would result in a significant risk of diseases being spread to livestock – that would be exclude from the site by fencing – or of ground or groundwater contamination.

81. Benefits of wildlife and livestock protection

82. The applicant contends, in correspondence with us during the application, that the development would provided a safe place for the training and exercising of dogs without harming the countryside, reducing dog attacks on livestock and reducing the pressures on wildlife and local farmers. These are admirable aims.

83. However, we consider that the development would not result in these outcomes to any discernable extent, for the following reasons.

84. Firstly, many people would choose not to take up such an alternative to their current routines. People walk their dogs through the National Park to experience the Park as well as to exercise their pets; this same experience cannot be found in walking a dog around an enclosed field.

85. Secondly, the business would – presumably – be charging people to use it, deterring many people from using it.

86. Finally, it is in a single location that means it would be inconvenient for all but the most local of dog walkers.

87. On this basis we conclude that any reduction in undesirable roaming or attacks by dogs within the National Park would be extremely slight.

88. As a result, we don't find this benefit to outweigh the conflicts with planning policy and harm to landscape conservation that are identified above.

89. Provision of a community facility

90. It is also stated in some representations that the facility is need by the community.

91. As detailed above, it is expected that such a facility would serve only a very small proportion of the community though.

92. As a result, we don't find this benefit to outweigh the conflicts with planning policy and harm to landscape conservation that are identified above.

93. **Conclusion**

94. The proposed development is contrary to planning policy E2 as it does not represent a type of business development permitted in the countryside by this policy.

95. The only other policy supporting business provision in the countryside is for recreational development under the provisions of policy RT1. However, because the development fails to make a contribution to the understanding and enjoyment of the National Park, is not appropriate to the National Park's valued characteristics, and does not make a clear demonstration of need for an open countryside location, it is also contrary to this policy.

96. Further, the development would have a harmful impact on the rural character of the locality due to the introduction of inappropriate fencing and car parking, contrary to policies L1, DMC3, RT1, and paragraph 172 of the NPPF.

97. There is otherwise no support for the development in the policies in the Development Plan or in Government guidance in the National Planning Policy Framework, and there are no material considerations that would indicate planning permission should be granted.

98. Accordingly, the application is recommended for refusal.

Human Rights

99. Any human rights issues have been considered and addressed in the preparation of this report.

100. List of Background Papers (not previously published)

101. Nil

102. Report Author: Mark Nuttall, Senior Planner (South)