

The application is for the retention of the change of use of a building and land and the erection of a new building for dog agility training.

The application site is located within the Green Belt and a Landscape Maintenance Area, as indicated by the Local Development Framework Proposals Map.

Butterton Grange Farm is a Grade II* Listed Building.

The 8 week period for the determination of this application expired on 24th December 2019 but the applicant has agreed to an extension of time to 30th April 2020.

RECOMMENDATION

Permit subject to conditions regarding the following:

- Standard time limit
- Approved plans
- Revised access details
- Details of parking and turning areas
- Access to remain ungated
- Tree protection measures
- Hours of use
- Restriction on the number of dogs
- Training sessions to be pre-booked
- No kennelling facilities
- Submission and approval of a noise management plan
- House on site and facilities to be linked
- Restriction on additional lighting
- Waste storage and collection arrangements
- Removal of obstacles and jumps when outdoor training area not in use

Reason for Recommendation

The development comprises appropriate development in the Green Belt and subject to the imposition of conditions it is not considered that there would be any adverse impact on either visual or residential amenity. On this basis it represents a sustainable form of development in accordance with local and national planning policy.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

This is considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

Key Issues

This is an application for full planning permission for the retention of the change of use of a building and land at Butterton Grange Farm and the erection of a new building for dog agility training. The application site is located within the Green Belt and a Landscape Maintenance Area as indicated by the Local Development Framework Proposals Map.

Butterton Grange Farm is a Grade II* Listed Building.

It is not considered that the application raises any issues of impact on highway safety, trees or on the setting of the Listed Building. Therefore, the key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Is the impact on the character and appearance of the area acceptable?
- Would there be any adverse impact on residential amenity?

Is the proposal appropriate development within the Green Belt and if not, do the required very special circumstances exist?

Paragraph 133 of the NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

Paragraph 145 of the NPPF states that the construction of new buildings is inappropriate development in the Green Belt with a number of exceptions which include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Paragraph 146 goes on to state that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction and material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

The applicant’s agent states that dog agility is an increasingly popular form of outdoor sport and leisure. The building that is currently in use for indoor agility training is of a permanent and substantial construction and given that no external alterations or extensions to the building are proposed, it is considered that the use preserves the openness of the Green Belt. The outdoor training area comprises a wooden boundary fence and involves the setting up of obstacles and jumps while the dogs are actively training. It is not considered that the perimeter fence has any significant adverse impact on the openness of the Green Belt and subject to the removal of the jumps and obstacles when not in use, it is considered that the outdoor training area maintains the openness of this Green Belt location. On this basis, it is considered that the proposed use constitutes appropriate development.

The proposed new building would be sited to the north of the existing farm buildings surrounded by substantial landscaping. It would constitute the provision of appropriate facilities (in connection with the use of the land for dog agility training) for outdoor sport and recreation and its siting and design would minimise the impact of the building on the openness of the Green Belt. On this basis, it is considered that the proposed building would comprise appropriate development in the Green Belt.

There is no requirement for the applicant to demonstrate that very special circumstances exist.

Is the impact on the character and appearance of the area acceptable?

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on to say at paragraph 130, that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent’s unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

The application site is also located within a Landscape Maintenance Area. Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

The external training area is enclosed by a low post and rail wooden fence. The proposed new building which would be sited adjacent to the training area and to the existing farm buildings, would measure 40m x 25m in plan with a maximum height of 5.6m. The materials would comprise concrete panels for the lower walls with green profiled sheeting for the upper walls and grey profiled sheeting for the roof. The scale and the design of the building is considered appropriate in the context of the existing buildings. There is mature landscaping along the boundaries and the building and the external training area would not have any adverse impact on the quality of the landscape or the visual amenity of the area.

Would there be any adverse impact on residential amenity?

The nearest residential properties are Grange Cottages to the south, and the residential accommodation at Frost Racing stables to the north. Noise from the proposed use has the potential to have an adverse impact on residential amenity and therefore the application is accompanied by a Noise Impact Assessment (NIA). The NIA predicts no future impact from any of the three agility training areas.

The Environmental Health Division highlights that the NIA does not consider the three sites operating concurrently but acknowledges that whilst the three areas may be operating at the same time, the times when all three will have dogs barking at the same time for prolonged periods will be rare. They also accept that the dogs are likely to be under the control of their handlers whilst participating in the agility training and whilst on site. However, they recommend a number of conditions to limit the activities on site and ensure that the level of usage remains acceptable.

The applicant's agent queries a number of the recommended conditions. They argue that a noise management plan is not a reasonable requirement and that a limit on the number of dogs to 6 is unjustified. In addition, they assert that the request to link the business and the house on site would be unduly restrictive.

The noise management plan would require details of signage and other measures to be taken by site management to try and reduce dog barking that is likely to take place outside of the training arenas. These are considered to be potential noise sources that have not been considered by the NIA. The figure of 6 dogs is quoted in the NIA as the maximum number of dogs to be in each arena. The assessment has been carried out on this basis and therefore, such a restriction is considered justified. The requirement to link the business to the residential accommodation on the site is considered necessary as the house on site is immediately adjacent to the noise source and the uses are incompatible.

Subject to the imposition of the conditions recommended by the Environmental Health Division, it is not considered that an objection could be sustained on the grounds of adverse impact on residential amenity and the proposal complies with the guidance and requirements of the NPPF.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3: Development in the Green Belt
Policy N17: Landscape Character – General Consideration
Policy N19: Landscape Maintenance Area

Other Material Considerations include:

[National Planning Policy Framework \(2019\)](#)

[Planning Practice Guidance \(2014 as updated\)](#)

[Supplementary Planning Guidance/Documents](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

[Relevant Planning History](#)

None relevant

[Views of Consultees](#)

The **Conservation Officer** has no objections and considers that there will be no harmful impact upon the setting of the Grade II* listed farmhouse.

Whitmore Parish Council supports this application on the grounds that the development of the business has been very successful and is putting the farm to some practical use and employment. The farm is far enough away from any residential land and would enhance the general view of the site. No further comments have been made in respect of the amended plans received.

The **Environmental Health Officer** has no objections subject to conditions regarding hours of use, maximum number of dogs, training session to be pre-booked, dogs to be with associated handler with no kennelling facilities, submission and approval of a noise management plan, house on site and facilities to be linked, restriction on additional lighting and waste storage and collection arrangements.

The **Landscape Development Section** has no objections subject to a condition regarding tree protection.

The **Highway Authority** has no objections subject to conditions regarding revised access details, details of parking and turning areas for staff and visitors and the access to remain ungated.

Natural England has no objection.

[Representations](#)

None

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00636/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st April 2020