

**LAND AT POOL FARM, NAPLEY**  
**C A & S WOODFIELD AND SON**

**22/00724/FUL**

Full planning permission is sought for the change of use of agricultural land to a dog exercise area at Pool Farm, Napley. Associated fencing and a small shelter and toilet structure are also proposed. The site is located within an Area of Landscape Restoration as defined on the Local Development Framework Proposals Map.

The application has been called to committee due to concerns relating to highway safety, light impact and the proposed opening hours.

**The 8 week determination period expired on the 26<sup>th</sup> October, however an extension of time has been agreed until the 26<sup>th</sup> May 2023.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to the following matters:-**

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**
- 4. All works to be completed In accordance with the recommendations set out in the Biodiversity Survey**
- 5. Soft and Hard Landscaping Scheme**
- 6. Restriction of any external lighting**
- 7. Dog waste disposal arrangements**
- 8. Provision of parking area and visibility splays prior to first use of the site**
- 9. Reversion of land back to agriculture upon cessation of the business**
- 10. Opening hours**
- 11. Business to operate in accordance with the submitted management plan which limits the number of visitors and dogs at the site at any one time.**

**Reason for Recommendation**

The proposed dog walking area is in a sustainable location for new rural businesses within the Borough and is therefore acceptable in principle. In all other respects it has been demonstrated that the proposed development, subject to appropriate planning conditions, represents a sustainable form of development that would not harm the character of the area, the amenity of nearby residents or cause significant highway safety or ecological implications. The proposals accord with development plan policies and the guidance and requirements of the NPPF.

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

Additional information has been sought and submitted in support of the application and the development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

**Key Issues**

Full planning permission is sought for the change of use of agricultural land to a dog exercise area at Pool Farm, Napley. Associated fencing as well as a small shelter and toilet structure are also proposed. The site is located within an Area of Landscape Restoration as defined on the Local Development Framework Proposals Map.

The main issues in the consideration of the application are:

## Classification: NULBC UNCLASSIFIED

- The principle of development
- Impact on the character of the landscape
- Impact on residential amenity
- The impact on highway safety
- Impact on hedgerows and ecology
- Other Matters

### Is the principle of development acceptable?

Paragraph 84 of the National Planning Policy Framework states that Planning policies and decisions should enable:

*“The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”*

As the proposal seeks to create a new business that will support the rural economy it is considered that the proposal meets the requirements of the NPPF and is acceptable in principle.

### Impact on the character and quality of the landscape

Paragraph 127 of the National Planning Policy Framework (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.

Paragraph 130 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Council's Core Spatial Strategy 2006-2026 requires that the design of the development is respectful to the character of the area.

Policy LNPP1 of the Loggerheads Neighbourhood Plan also requires that new development must demonstrate high standards of design and complement the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces.

The application site is located within the open countryside on land designated locally as an area of landscape restoration (policy N21). Within these areas the Council will support proposals that will enhance the character and quality of the landscape. It will also be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The proposed development is for a change of use of land with 1.8 metre high mesh 'tornado' fencing, fastened to wooden posts, proposed on the site boundaries. A parking area, new access and a proposed toilet building and shelter are also proposed.

The proposed fencing would be set behind existing field boundaries and hedgerows and is of a design that gives it visual permeability. Save for the section of fence which is to be erected adjacent to the highway, all other sections of fencing proposed could be erected under permitted development rights, as set out in the General Permitted Development Order 2015, as amended. Given the above, it is not considered that the fencing would erode the character and quality of the landscape due to its appropriate appearance and height.

The proposal also seeks permission for a small toilet room which would measure 1.2m x 1.8m and a new shelter which would measure 3.65m x 3.65m. Both structures would have an overall height of 2.3m. The proposed structures are modest in respect of their overall scale and it is not considered that they would have any significant or harmful impact on the immediate or wider area surrounding the application site. The buildings will also be partially screened by sections of the hedge that surround the application site which will help to soften their overall visual presence.

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The proposed development is considered to comply with policy N21 of the local plan, Policy CSP1 of the CSS, Policy LNPP1 of the Neighbourhood Plan and the guidance and requirements of the NPPF.

### Impact on residential amenity

Criterion f) within Paragraph 127 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

The application is for the use of the land as a dog exercise area and it can be assumed that a noise impact will be caused from dogs barking.

The nearest dwelling is 226m away from the nearest south west corner of the site and given this separation distance, officers do not feel that it is necessary for a noise impact assessment to be submitted in support of the application.

At the request of officers, the opening hours of the exercise area have been altered so that they would be limited to the following times:

- 6am–8pm Summer season (April–September)
- 7am–6pm Winter months (October–March)

The above opening hours are considered to be acceptable given the rural location of the application site. Information provided in support of the application notes that number of dogs on the field would be limited to no more than 6 at any one time, which would further help to address any potential noise nuisance.

No external lighting has been included as part of the proposal, but a condition is recommended to ensure that no lighting is installed at the site unless it is first agreed in writing by the Local Planning Authority.

While the one objection letter received raises concerns about noise nuisance, this letter was received by a resident of Mucklestone which is over 1.3km from the application site and no other objections have been received either from local residents or the Council's Environmental Health team. On this basis, it is considered that the proposal would not result in any adverse impacts to the residential amenity of nearby properties.

### The impact on parking and highway safety:

Paragraph 111 of the Framework details 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.

Access to the site would be via an existing field access off the B5415 highway. A small parking area is proposed which is to be surfaced in permeable hardstanding.

The Highway Authority raised objections to the proposal on the basis that the plans failed to demonstrate visibility splays onto the B5415 from the access point and that additional visibility splay information was required to demonstrate that a safe access arrangement could be provided. The Highway Authority raised a further objection regarding the unsustainable location of the application site.

In response to this concern, the agent of the application has provided an updated site access plan which provides additional visibility splay details. The Highway Authority have now confirmed that subject to conditions they consider that the proposal would provide a safe and suitable access arrangement.

The Highway Authority's comments with regards to the sustainability of the site are noted, however it must be acknowledged that this type of proposal will normally always require a rural location which is recognised by paragraph 85 of the NPPF. On this basis, the unsustainability of the site is not considered to be a reason in itself to refuse the application.

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The proposed development is considered a small rural business and appropriate off road parking is proposed. The visibility splays from the site are also considered to be acceptable. Subject to the parking provision being secured by planning condition there are no objections to the proposal. Therefore the proposal is in accordance with the provisions of the National Planning Policy Framework.

### Impact on hedgerows and ecology

Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

A section of hedge (measuring approximately 22m) would need to be removed to accommodate the new access and visibility splays for the site. The application has been supported by a technical biodiversity survey which notes that the removal of this section of hedge could affect nesting birds if conducted during the nesting season but that the development can proceed without the loss of habitat of significant value, and without the loss of the favourable conservation status of any protected species. A number of recommended mitigation methods are however set out within the report. The survey also notes that the agricultural field itself is a silage and pasture field which has no botanical interest, with only common species being found present.

The Council's Landscape Team raise concerns regarding the loss of any hedgerows from the site and the management of any existing hedgerows. While the loss of this section of hedge is not ideal, subject to appropriate conditions relating to the submission of a hard and soft landscaping scheme (which must include species and location of replacement hedging) and subject to the works being carried out in accordance with the details set out in the Biodiversity survey, it is considered that any harm from the loss of the hedgerow can be mitigated. A further condition can be imposed that requires any existing or new planting to be replaced if it dies within 5 years after implementation.

### Other Matters

An objection letter has raised concerns about the lack of public consultation, however the LPA have consulted all neighbouring properties and put up a site notice in accordance with statutory requirements. The same objection letter also raises concerns that if approved the proposal will set a precedent for housing development on this site, however any residential development would need to be applied for through a separate application which would need to be assessed on its individual merits and constraints.

The comment that there are other dog walking fields in the area is noted, however given the support provided in the NPPF for new rural businesses, it is not considered that this point alone is a reason to resist the proposal.

### Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief

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- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

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## **APPENDIX**

### **Policies and proposals in the Development Plan relevant to this decision:**

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements  
Policy N17: Landscape Character – General Consideration  
Policy N21: Areas of Landscape Restoration

#### Loggerheads Neighbourhood Plan (LNP) 2013-2033

LNPP1: Urban Design and Environment  
LNPT1: Sustainable Transport

### **Other Material Considerations**

#### National Planning Policy

#### National Planning Policy Framework (2021)

#### Planning Practice Guidance (2019)

#### Supplementary Planning Guidance/Documents

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

#### Relevant Planning History

18/00600/FUL - Erection of 2no.calf housing buildings – permitted

95/00525/FUL - Erection of agricultural building – permitted

### **Consultation Responses**

The **Environmental Health Division** raise no objections to the proposal.

The **Highway Authority** initially raised objections to the proposal on the basis that the layout did not demonstrate that the required visibility splays could be achieved and on sustainability grounds given the rural location. Following the submission of additional details the HA have withdrawn their objections on highway safety grounds, however they maintain their concerns regarding sustainability.

The **Landscape Development Section** raise concerns about any loss of hedgerow and about the maintenance of the existing/new hedgerow. It is recommended that any new native hedgerow planting should be established behind any new visibility splay and it is recommended that sufficient vehicle access be provided between the hedgerow and the tornado fencing in order that the hedgerow can be managed. The position of the car park and hut may also need to be adjusted to allow retention, protection and future hedgerow maintenance. Permeable paving would be more suited to this countryside setting than tarmac.

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It is recommended that landscaping proposals be secured by way of a planning condition which should include replacement native hedgerow behind new sight lines to provide visual softening of the car parking area.

The **Campaign to Protect Rural England (CPRE)** support the proposal for a small rural business in principle but raise concerns regarding the loss of high-quality agricultural land and the potential disturbance to natural habitats these facilities can cause, including, in this case, the removal of some hedgerow. The Group ask that conditions are put in place to minimise the amount of land that would not be able to be returned to agriculture if the facility subsequently closes.

No representations have been received from **Loggerheads Parish Council** within the statutory period for comment and it is therefore assumed that they have no comments to make on the proposal.

### Representations

One objection letter has been received which raises the following concerns:

- Impact on highway safety
- Lack of information in the biodiversity survey regarding ground nesting birds, European Brown Hares and bats
- Visual impact of the proposed fence
- Noise impact from late opening hours
- There are other dog walking fields in the area
- Lack of public consultation
- The proposal will set a precedent for housing development

### Applicants/agents submission

The requisite plans and application forms including a supporting statement and technical visibility splay plan have been submitted.

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/22/00724/FUL>

### Background Papers

Planning files referred to  
Planning Documents referred to

### Date report prepared

3<sup>rd</sup> May 2023