

Case Number	22/02416/FUL (Formerly PP-11352253)
Application Type	Full Planning Application
Proposal	Provision of enclosed dog walk/dog run area including 1.8m wire fencing, formation of parking area and timber shelter
Location	Land Opposite Holme Head Wheel Dam Rivelin Valley Road Sheffield S6 5SF
Date Received	24/06/2022
Team	North
Applicant/Agent	Fleetwood Cadtek Ltd
Recommendation	Refuse

Refuse for the following reason(s):

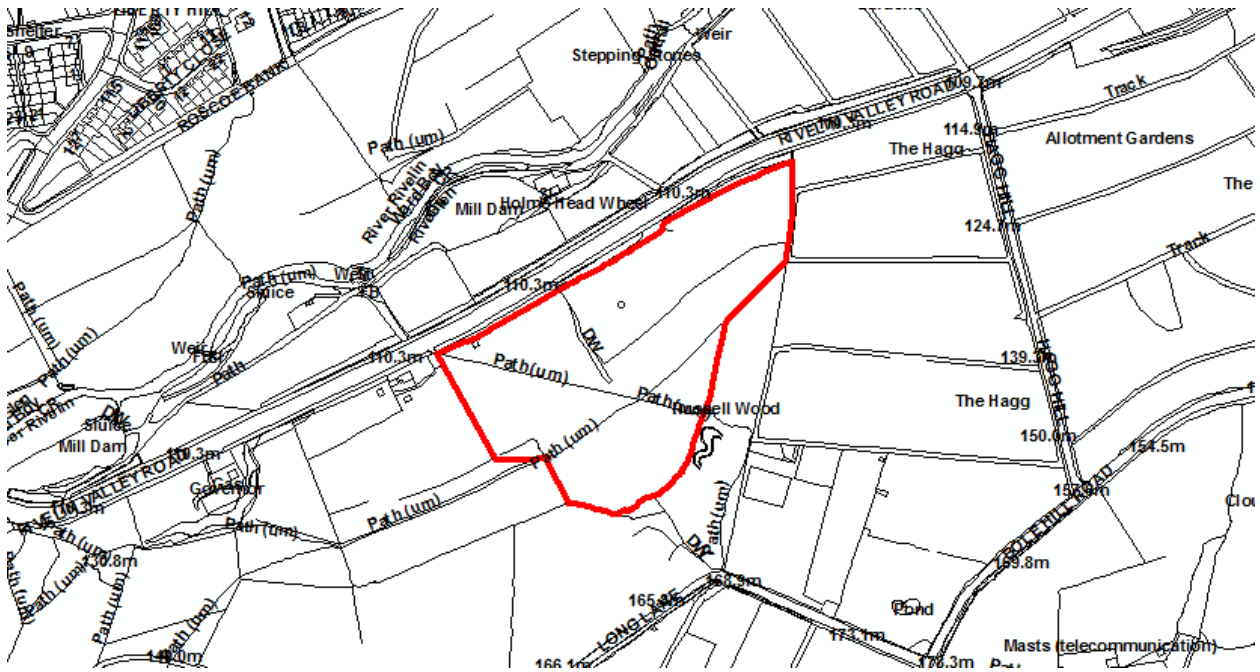
- 1 The Local Planning Authority consider the proposed dog park and associated development to be inappropriate development in the Green Belt, which would cause harm to the open character of the Green Belt and represents encroachment of urban development into the countryside by reason of the introduction of fencing, general paraphernalia, parking and activity facilitated by the proposed use. It would therefore be contrary to Paragraphs 137,138, 147, 148 149c, 150e of the NPPF and the aims of Policies GE1 - GE4 of the UDP.
- 2 The Local Planning Authority consider that the proposed development would, as a result of its design, siting, form and resulting intensity, be harmful to the open character and appearance of the Area of High Landscape Value and visual amenities of the area. The proposed development is therefore contrary to Unitary Development Plan Policy GE8, Core Strategy Policy CS74 and Paragraphs 130 and 174 of the NPPF

Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirement(s), and, there being no perceived amendment(s) that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Proposed Site Layout, Plan number 22.35.03, published 24.06.22
OS Redline Site Location Plan, published 24.06.22
Proposed Site Plan, Plan number 22.35.02 published 24.06.22
Shelter and fencing detail published 12.07.22
Site Sections, Plan Number 21.42.05 Rev C published 30.08.22

Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application site relates to fields to the south of Rivelin Valley Road, and the west of the Hagg Hill Plantation.

The overall site area is 2.6 ha and is predominantly laid out as fields with a partially constructed stable along the northern boundary.

There is an existing vehicular access gate from Rivelin Valley Road with approval for a single width access to service the stables. The land rises steeply to the south and a network of public footpaths exist around the site and also run through it.

Consent is sought to create an enclosed dog exercise area. This would be enclosed by 1.8 metre high green mesh fencing.

Within the enclosure a timber roofed structure is proposed to provide shelter in adverse weather.

The area in front of the stable would be utilised as a parking area, finished in ground guard mesh with grass infill.

The submission details that one dog owner would exercise their dog at any one time via prebooked time slots with on-site parking.

The site has been recently operating as a dog park without permission, however the applicant details that this has now ceased. An enclosure is currently in place which is formed from post and mesh fencing with black sheeting around at approx. 1.2 m high and sections of higher temporary style construction fencing (approx. 1.8 – 2m high) Within the compound there was some agility equipment present. The proposed mesh fencing would replace the existing fencing.

PLANNING HISTORY

Consent was granted in September 2021 for the use of land for the keeping of animals for recreational purposes and the erection of stables (21/02936/FUL)

This was subsequently amended following differing construction under 22/02415/NMA. This application was to omit 2no. roof gables with alterations to stable dimensions and land levels (amendment to planning permission 21/02936/FUL) (amended description) This was granted July 2022.

REPRESENTATIONS

132 people have written in support of the application and 2 letters of objection have been received. The main points are summarised below:

- The facility provides an essential safe enclosed environment for dogs and owners, which is particularly important for reactive or nervous rescue dogs, recovering or young dogs compared to them being exercised in public areas.
- A much needed facility and asset to the community
- Important for animal welfare
- Alternatives would mean driving outside of the area, taking footfall to surrounding businesses elsewhere

- The dog park is safe, as it is always manned
- There are no dwellings nearby to cause nuisance to
- Objection this has been closed down
- The building is well screened
- There are no other dog parks in the area. There are very few at all close to Sheffield
- Keeps dog fouling off streets and out of parks
- Assists dog owners with disabilities and health conditions
- Assists dog owners without access to private outdoor space
- No different to a horse's paddock
- Allowing this would help a small business survive
- The park would be unnoticeable from Rivelin Valley Rd

Objections:

- The site was an unspoilt rural open space providing uninterrupted views of the valley and pleasant footpaths for walkers. This is a rural backwater and a much loved local beauty spot. The development has spoilt the open nature and character of the fields. The site should be undeveloped for anything more than grazing
- The fencing installed is unsightly and there is building debris
- The signage changes the character of the area
- The addition of a dog park to this already damaged area can only impact more negatively on the area and detract from its appeal
- Concern is raised that the trees, vegetation and wildlife may be next to be compromised
- Concern is raised regarding health hazards from dog waste
- Concern is raised regarding noise nuisance
- Highway safety concerns are raised from cars entering and leaving the site
- Alternative places exist for walking dogs. There is no justification for the proposal
- Concern is raised that other enterprises will arise on site eg a café
- Question is raised why development is allowed in the Green Belt
- The character of the site has already been eroded. This application should be refused and the existing permission monitored

ASSESSMENT

Policy Context

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The key goal of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Paragraph 12 continues that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Paragraph 219 of the NPPF makes it clear that policies should not be considered as out-of-date simply because they were adopted or made prior to the publication of the

Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore the closer a policy in the development plan is to the policies in the Framework, the greater the weight that may be given.

The assessment of this development proposal needs to be considered in light of paragraph 11 of the NPPF, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development.
- ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

Footnote 7 provides further details in relation to paragraph 11i) with respect to areas or assets which are of particular importance and includes the green belt. The following assessment will:

- Assess the proposal's compliance against existing local policies as this is the starting point for the decision making process. For Sheffield this is the Unitary Development Plan (UDP) and the Sheffield Development Framework Core Strategy (CS).
- Consider the degree of consistency these policies have with the Framework and attribute appropriate weight accordingly.

The application site is located in the Green Belt, an Area of High Landscape Value and a Local Wildlife Site as allocated in the Sheffield Unitary Development Plan.

Whether the Development is Appropriate in the Green Belt

UDP policies GE1-GE4 are relevant to this scheme.

Policy GE1 details that in the Green Belt, development will not be permitted except in very special circumstances, where it would: a) lead to the growth of the built up area; or b) contribute towards the merging of existing settlements or c) lead to encroachment of urban development into the countryside or d) compromise urban regeneration.

Policy GE2 Protection and Improvement of the Green Belt Landscape, seeks to: a) maintain and enhance those areas with generally high landscape value, b) improve poor landscapes in priority areas (listed in UDP policy BE4)

Policy GE3 states that in the Green Belt, the construction of new buildings will not be permitted except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses which comply with policy GE1.

Policy GE4 seeks to ensure that the scale and character of any development which is permitted in the Green Belt, or would be conspicuous from it, should be in keeping with the area, and wherever possible conserve and enhance the landscape and natural environment.

NPPF paragraph 137 states 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 138 sets out the 5 purposes the Green Belt serves:

- a) To check the un-restricted sprawl of large built-up areas;
- b) To prevent neighbouring towns from merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 requires that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include amongst other things:

- b) 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 150 of the Framework details 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 are

- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

A recent appeal decision (APP/J4423/W/20/3262600)– Former Loxley Works, Storrs Bridge Lane, Sheffield, S6 6SX, dated 10 August 2021) concluded that policies GE1, GE3 and GE5 were out of date and afforded limited weight to these. As collectively the Green Belt Policies were out of date, this policy aspect was considered with greater weight afforded to the Green Belt policies in the NPPF. This application will take the same approach.

A dog exercise area is considered to fall within the definition of outdoor recreation in Paragraphs 149 and 150 and is considered not to be an inappropriate use in the Green Belt providing it preserves openness and does not conflict with the purpose of including land within it.

Impact on Openness

Physical development is detailed to facilitate the proposed use. This has potential to impact on the openness of the Green Belt.

Openness is capable of having both spatial and visual aspects.

The site has already been developed with large stabling and has more informal shelters to the west along the Rivelin Road frontage.

The proposed enclosure would be of irregular shape and would measure approximately 51m x 22.6m at the most extreme points. The fencing detailed to facilitate the use would be 1.8 metres in height and mesh style.

Within the enclosure a non fixed timber shelter is proposed. No firm details of this have been supplied, however a brochure extract shows this as small parallel benched structure with a dual pitched roof over. The site plan shows this would have a footprint of 2 x 2m and the indicative photograph shows that this would be approximately 2 metres in height. This structure is proposed towards the eastern end of the site.

Whilst no detail has been provided, it is noted that the existing enclosure contains dog agility equipment. Signage was also present within the site and at the main gate.

Whilst the meshed nature of the fencing would allow a good degree of visibility through, the enclosure by virtue of it's size and height and the associated structures and potential equipment within, would have a spatial impact on the openness of the Green Belt.

Furthermore the formalised parking area would bring activity and the spatial impact of having cars parked on site. It is recognised that the plans detail that one customer would be on site at a time, however there may be overlap and also comments raise through representation indicate that the site is staffed. The introduction of parking on site and increased vehicle movements would impact on openness.

The approved development of the stabling and use of the land for the keeping of animals maintained this as open land, albeit with some division to separate different animal grazing areas.

The proposed development would be seen in close association with the existing large stable block and forms an intervening feature between the stable block and the land shown for animal grazing. The proposed development would be particularly prominent from the well used footpath which abuts the south of the site. This footpath runs at a higher level than the site, which falls towards Rivelin Valley Road. From this aspect there is clear and open visibility of the site and proposed area of development

From Rivelin Valley Road, the presence of the recently approved stable and mature trees limits visibility to some extent, however there are clear views up the hill side from the gateway, where the fencing forming the compound would appear particularly prominent on the valley side. There would be greater visibility into the site in winter months when the trees are not in leaf.

The site would appear intensively developed which would cause harm to the openness of the Green Belt.

In light of the above, it is considered that the development would have a greater impact on the openness of the Green Belt and as such would be contrary to Paragraphs 149

and 150 of the NPPF.

Function of Green Belt

Paragraph 138 sets out the 5 purposes the Green Belt serves.

The introduction of the fencing, shelter, any equipment and proposed car parking into an open area of land in the Green Belt, to facilitate the proposed use, represents an encroachment into the countryside. This directly conflicts with one of the 5 listed purposes (c) to assist in safeguarding the countryside from encroachment.

General Design, Character and Impact on Area of High Landscape Value
Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

NPPF paragraph 130 seeks to ensure that developments add to the overall quality of an area, are visually attractive, sympathetic to local character...including landscaping setting.

Specifically relating to the impact on the Area of High Landscape Value (AHLV), the following policies are of importance.

Policy GE8 states that in Areas of High Landscape Value protection and enhancement of the landscape will be the overriding consideration and that development will only be permitted in AHLV which would protect and wherever appropriate enhance the appearance and character of the Area of High Landscape Value.

Paragraph 174 of the NPPF states that planning decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The aims of the local and national policies closely align and substantial weight can therefore be attributed to these.

The character of the landscape on site is a rural, open grass land field used for the keeping of animals. The land is open with minimal development. The approved stables were carefully sited and reduced in size during the course of the previous application to minimise the impact on the character of the land.

The fencing proposed would be 1.8 metres high mesh, anticlimb, security style fencing. The brochure details that the use of this would be ideal for commercial setting such as airports / hospitals police stations etc.

The introduction of such fencing is suited to urban environments and wholly incompatible with the open, rural character of the site. This would be positioned in an open prominent area of the field, highly visible from surrounding vantage points and would be visually harmful to a significant degree.

The shelter is small scale and utilitarian in design, and somewhat domestic in character. It's siting on the hillside would be prominent.

The profile of the land is shown to be altered slightly to facilitate the provision of the parking area. Works have taken place on site in this area already. The land level change would not be significant but would appear less natural than the original fall of the land, this together with the grid surfacing and parking activity would change the character of the land.

Cumulatively the development would cause substantial visual harm to the character and appearance of the Area of High Landscape Value. The site would appear intensely developed at odds with the rural character of the land and the stables would read as being associated with the dog park use.

Amenity

Paragraph 130 of the NPPF seeks to ensure high standards of amenity.

Paragraph 185 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

The site is located a significant distance from residential areas and would not compromise residential amenity or generate noise which would be incompatible with the area.

The submission details that waste would be removed by each visitor to the site. Management of such aspects could be controlled by condition.

Ecology

UDP Policy GE13 states that development affecting Local Nature Sites should, wherever possible, be sited and designed so to protect and enhance the most important features of natural history interest and where development would decrease the nature conservation value of such an area, that the decrease is kept to a minimum and is compensated for by the creation and enhancement of wildlife habitats elsewhere in the site.

NPPF paragraph 180 sets out principles to ensure that biodiversity and habitats are protected.

The aims of the local and national policies broadly align and the local policy can be afforded significant weight.

The application site is within a Local Wildlife Site – LWS 015 Rivelin Valley: Millstone Edge Rough & Fields. This is a large LWS designated for a range of habitats including a mosaic of different grassland types; unimproved, neutral and acidic grassland. Acid grassland is a NERC Act 2006, Section 41 'priority habitat,' which the Council has a statutory 'biodiversity duty' to conserve. The fields in this part of the Rivelin Valley (including those already used for animal grazing) are noted for their floristic and fungal diversity which includes uncommon species of waxcap mushrooms.

As a condition connected with the approval of the stables and use of land for the keeping of animals, a management plan was approved which shows the site being divided into sections and these grazed in rotation, with a minimum interval of 12 weeks

non grazing time to enable ground cover to re-establish.

The submitted plans show that the dog exercise area would be in place of one of these areas, however the site plan details a revised grazing rotation plans which is acceptable.

The submitted scheme does not raise any significant ecological concerns as the use is limited to the fenced area and the level of intensity of one dog at a time is acceptable. The dog faeces would also be removed from site.

The parking area has been subject to recent earth movements and no longer has ecological value. The above aspects could be conditioned if the scheme were acceptable.

Highways

Paragraph 111 of the NPPF states 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.

The site benefits from an existing vehicular access. Whilst it's use would be intensified the nature of the business would not generate an overly intense use of the access from a highway safety perspective.

There is opportunity for adequate parking and turning within the site. The scheme would be acceptable in terms of its impact on highway safety.

Very Special Circumstances

Paragraph 148 of the Framework states that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

The application details that the scheme is classed as "very special circumstances" however no case for Very Special Circumstances has been put forward. Nevertheless, the substantial amount of support for the application is noted as are the benefits of the scheme.

- Need for facility and lack of access to alternative without substantial travel and animal public welfare benefits. There is very strong demonstration for the need for an enclosed dog walking facility. Whilst there is clearly a demand and the facility is highly valued, such a facility need not be located on such a sensitive site and could be potentially accommodated on other sites within the city. Moderate weight is given to this.
- Economic benefit
The NPPF places significant weight on supporting economic growth, in this instance the scale of the business is very small and whilst there would be some economic benefit this would be very minor. Low weight is given to this benefit.

The applicant points to other unauthorised development in the Rivelin Valley in justification of the proposal. Complaints about other sites are investigated separately by

the Councils Enforcement Team and action would be taken where appropriate. The presence of such development does not justify the inappropriate nature of this proposal.

A balancing exercise is required to establish if the harm to the Green Belt is outweighed by other considerations.

There would be benefit to dogs and their owners and some minimal economic benefit.

In contrast the proposed development would be inappropriate development in the Green Belt as a result of the harm to its openness. This would occur as a result of the proposed use facilitating the need for unacceptable development, parking and intense use of the site which would have an unacceptable impact on the openness of the Green Belt.

Whilst from many aspects from Rivelin Valley Road this impact is limited, this is less so at the access to the site and the development would be very prominent when experienced from the footpath to the south. From this aspect particularly, the character of the site would change from an open field with stabling to an intensely developed site with fencing, associated paraphernalia and parking, viewed in close association with the stable.

The development would be at odds with the purposes of including land within the Green Belt. This harm further weighs against this proposal.

As such the scheme fails to comply with the aims of Paragraphs 137, 138, 147, 148, 149b and 150e of the NPPF.

Furthermore significant weight is given to the visual impact in this designated Area of High Landscape Value. The impact of the design, siting and form of the physical development facilitated by the proposed use and the change in character as a result of the intensity of development would, be harmful to the open character and appearance of the Area of High Landscape Value and visual amenities of the area. The proposed development is therefore contrary to CS74, and UDP Policy GE8 and Paragraphs 130 and 174 of the Framework.

In accordance with Paragraph 148 substantial weight is attributed to this harm. Whilst there are clear benefits of the scheme, taken collectively these do not outweigh the harm, discussed above. Consequently very special circumstances required to justify the development do not exist.

Response to Representations

The majority of the issues raised through representation have been discussed in the above assessment.

Concern is raised as to how dog waste would be dealt with. - Had the scheme been acceptable then this could have been controlled by condition.

Concern is raised that the building is going to be used as café. – The application does not detail this. If this were proposed planning consent would be required.

Summary

The most important policies for determining this application are out of date.

Paragraph d) of the Framework states that permission should be granted unless in 11di), the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development.

In this instance the conflict with the policies in the framework provide a clear reason for refusing the scheme.

The development is contrary to paragraphs 137,138, 147 148 149c, 150e 130 and 174b of the National Planning Policy Framework, Policy CS74, UDP policies GE8 and GE1 – GE4.

Recommendation Refuse

This page is intentionally left blank