
Case Number	22/03685/FUL
Application Type	Full Planning Application
Proposal	Provision of enclosed dog walk/dog run area including 1.7m timber/wire fencing and formation of parking area (Re-submission of planning application 22/02416/FUL)
Location	Land Opposite Holme Head Wheel Dam Rivelin Valley Road Sheffield S6 5SF
Date Received	07/10/2022
Team	North
Applicant/Agent	Fleetwood Cadtek Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:

Red Line Site Location Plan (UK Planning Maps) published 07.11.22
Proposed Site Layout Drawing Number 22.35.03 Rev C published 23.11.22
Additional Information email published 23.11.22

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

3. Notwithstanding the detail on the submitted plans a comprehensive and detailed soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the use commences or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

Other Compliance Conditions

4. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality it is essential for these works to have been carried out before the use commences.

5. The existing Oak tree to the south of the access track and boundary planting to the north of the stables shall be protected during construction in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees and landscaping on site.

6. The existing stone walls to the perimeter of the dog park shall be retained. The enclosure fencing to be installed shall be the style and height as shown within the approved details published 12.10.22, unless alternative details have been first submitted to and approved in writing, prior to installation.

Reason: In the interests of the visual amenity of the locality

7. The fencing shall be installed in accordance with the submitted method statement detailed within the additional information published 22.11.22

Reason: In order to protect established landscaping and trees.

8. The surfacing of the access track, parking and turning area shall be finished in accordance with the materials specified on the approved site plan prior to the use of the dog park commencing. The parking and turning area shall be retained for the sole purpose intended.

Reason: In the interests of the visual amenities of the locality.

9. The dog park use shall be confined solely to the area annotated "enclosed dog walk" on the approved plan. The remaining land shall be managed in accordance with the previously approved grazing rotation plan(21/02936/FUL) as amended by the approved site plan published 23.11.22

Reason: In the interests of protecting the ecological value of the site.

10. The dog park shall be used and managed in accordance with the access and waste strategy detailed on the approved plan and design and access statement.

Reason: In the interest of the amenity of the locality and highway safety.

11. Prior to the use of the dog park commencing, the existing wooden structure within the proposed dog run enclosure and the fencing and means of enclosure forming the previous unauthorised dog park shall be removed in their entirety from the site.

Reason: In the interests of the visual amenity of the locality and to maintain the openness of the Green Belt.

12. There shall be no lighting provided to the dog exercise area, unless details have been first submitted to and approved in writing by the Local Planning Authority. Thereafter any lighting shall be provided only in accordance with those approved details.

Reason: In the interests of visual amenity.

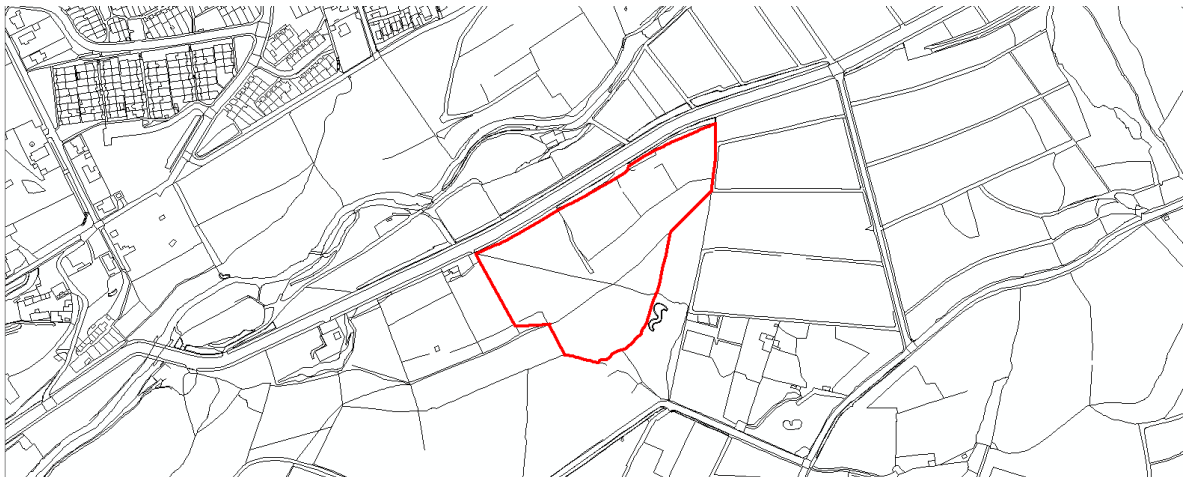
13. The existing landscaped areas within the site shall be retained and protected from construction activity. Any damage during construction / demolition works shall be made good by reinstating to the condition/appearance prior to the commencement of the works.

Reason: In the interests of the visual amenities of the locality.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that Cadent have an intermediate and low pressure gas pipeline running diagonally through the field and hold a deed of grant for an easement on these gas pipelines and no development is permitted inside our easement without written permission, Cadent will require to be consulted and liaised with before any work or landscaping is carried out in the vicinity of the gas pipelines. Further detail of the location of these pipes and contact details can be found on the online file.

Site Location



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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.

Members may recall that a similar scheme for this site was refused at Planning Committee in September 2022. This is a resubmission of the scheme.

The key differences are the location of the dog park within the wider site, the style of fencing, the parking layout and the omission of shelters.

The enclosed area forming the dog park is now shown to be located on the north eastern corner of the site, to the east of the incomplete stable building. This would be enclosed by 1.7 metre high timber post and mesh fence. Native planting is proposed to the outer perimeter of the fencing. Parking and turning is shown for two vehicles to the front of the stable.

The submission details that one dog owner would exercise their dog at any one time via prebooked time slots with on-site parking. As these times the applicant would be present on site.

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 supporting documentation accompanying the submission refers to a number of benefits of the scheme. These being;

- The scheme would be a diversification of a rural business and support the local economy.
- The facility would provide an essential safe enclosed environment for dogs and owners, which is particularly important for reactive , nervous or rescue dogs, recovering dogs or young dogs.
- This is a much needed facility and an asset to the local community
- There are no other dog parks in the local area
- The facility would assist dog owners with disabilities and health conditions and dog owners without access to private outdoor space.

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.

Consent was refused in September 2022 for the provision of enclosed dog walk/dog run area including 1.8m wire fencing, formation of parking area and timber shelter (22/02416/FUL)The reason for refusal read:

1. The Local Planning Authority consider that the proposed development, by reason of the introduction of fencing, general paraphernalia, parking and activities associated with the proposed use, would not preserve the openness of the Green Belt. The proposal does not therefore meet the exceptions in National Planning Policy Framework Paragraphs 149 to 150 and as such comprises inappropriate development in the Green Belt. There are no very special circumstances that clearly outweigh the potential harm to the Green Belt by reason of inappropriateness or any other harm resulting from the proposal. The development is therefore contrary to policies GE1 to GE4 of the Unitary Development Plan and Paragraphs 147, 148, 149(b), 150 (e) of the National Planning Policy Framework.

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.

REPRESENTATIONS

Representation has been received from 18 parties, 15 writing in support of the application and 3 writing in objections. The points raised are summarised below;

Support

- Important and needed for dogs and people
- Essential so that dogs can run free
- Important for owners with nervous dogs, dogs without recall, reactive dogs, small gardens
- The facility is safe for dogs and people
- No harm to the environment or views
- Other cities have facilities such as this and this is much needed in Sheffield.
- Keeps dogs out of parks
- Reduces dog fouling in public areas
- Not in close proximity to houses or businesses.
- Additional planting would enhance wildlife
- Objections are not made by locals
- Objection to previous decision

Objection

- Impact on Green Belt.
- Spoils and disrupts beautiful fields, visually intrusive to pasture fields
- Detract from peaceful and well valued local green belt
- Generates driving
- The development would affect wildlife in the area.
- Concern regarding highway safety implications.
- Concern is raised regarding the potential for the site to remain untidy.
- Ample alternative green space to exercise dogs exists.

Rivelin Valley Conservation Group: Consider the scheme does not overcome the previous reasons for refusal in terms of conflict with Green Belt and Landscape Protection policies. The plans should also show the lines of the public footpaths and bridleways.

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 dog park is proposed to be relocated from the previously proposed location to the north eastern corner and would measure approximately 37m x 42 m. The plans indicate the dog walk to be located in the corner of the site abutting the boundary to Rivelin Valley Road to the north and the eastern boundary of the field. Whilst the site is elevated above Rivelin Valley Road it is fairly well screened by trees when in leaf. To the east is woodland. A public footpath also runs next to the eastern boundary higher up the site, outside the site boundary. To the west is the stable block and to the north is open land laid out as a field, with a footpath running east to west across beyond the top of the field.

The revised siting of the enclosure is much less prominent, than the previously refused scheme, given that it is positioned in the corner of the field and seen against the backdrop of landscaping to Rivelin Valley Road.

Fencing is proposed to form the enclosure , this would be timber rails and deer mesh at a height of 1.7 metres. Whilst this is still fairly high, the style of this is appropriate for a rural setting. The fencing would be seen at the bottom of the sloping field with the northern and eastern stretches viewed against the established vegetation which currently exists at the perimeter of the site.

The western and southern lines of enclosure would be more prominent, with the added enclosure having potential to cause some minor diminishment of the open character of the field, however such enclosure is not uncommon in rural settings. The applicant proposes native planting to the outer perimeter of these, which over time would soften the appearance of the fencing and minimise its presence. From the most prominent aspects, which are the footpaths, this would be seen against the green backdrop of the mature tree belts and field. This would not cause significant harm to openness.

Whilst no detail has been provided, it is noted that the existing enclosure contains dog agility equipment. This has potential to impact on the openness of the land, however

similarities can be drawn between this and what could be seen for example within an equestrian setting. This application does not include the provision of a shelter, as proposed within the previously refused scheme. It is noted that there is a wooden shelter within the site of the proposed dog enclosure at present. The applicant has confirmed that this would be removed to facilitate the development. This can be controlled by condition and would result in some minor increase in openness.

This application reduces the level of parking compared to the previous scheme. This is shown to be limited to a short access from the highway terminating to the front of the stables with space for two vehicles, parked in a line with turning. 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. The submitted plans show an extensive line of landscaping to screen and soften this, the intention behind this is commended. Officers are however concerned that whilst this would screen the cars, this would also cause further reduction in openness and predominantly enclose the stables. When viewed from the footpaths to the south and east, the combined impact of the stables, the enclosed dog run and the screened car park would appear intense and subdivided from the grazing land of which the stables are connected with and more akin to a domestic curtilage. For this reason the parking area should not be screened. The surfacing would be mesh to allow grass to grow through and minimise the visibility of surfacing. There would be a reduction in openness generated by cars and activity, however this would not be as permanent impact as the screening. A condition will be attached to require a landscaping scheme to be agreed which would secure an appropriate response bearing the above in mind.

This amended scheme offers a significant improvement over the previously refused scheme and is considered to minimise harm to the open character of the Green Belt to an acceptable degree and as such would be compliant with Paragraphs 149 and 150 of the NPPF. A condition would be attached to any approval requiring the existing fencing forming the disused dog park to be removed prior to the proposed dog park being brought into use.

Function of Green Belt :

Paragraph 138 sets out the 5 purposes the Green Belt serves including (c) to assist in safeguarding the countryside from encroachment. The scheme represents minimal introduction of enclosure and surfacing and is not considered to conflict with this aim.

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 revised scheme seeks to minimise the impact on the character of the landscape particularly through the more sensitive siting of the dog park, the style of fencing and screening. The scheme would not be visible from long distance view points , but would be readily visible from the closer range, particularly the public footpath network.

As described above, the applicant has sought to mitigate this as far as possible. The relocated enclosure is tucked in the corner of the site rather than dominating the field as per the previous submission.

Whilst there is some concern about the changing character of the site and the intensity of development concentrated together which has documented above. A key aspect of this will be ensuring that the stables continue to relate to the wider site and do not appear segregated and associated with the adjacent dog enclosure. This can be achieved by an altered landscaping proposal which can be conditioned.

Whilst there would be some negative impact on the Area of High Landscape Value the character and appearance of the vast majority of the site would be retained and the negative impacts would be minor.

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 minor revisions to the rotation layout plan to facilitate the dog park. This has been reviewed by the Council’s Ecologist who is satisfied with this arrangement.

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 intensity of use can be conditioned in line with this management plan indicated.

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.

It is very likely that bats will commute and forage along the tree line and therefore the site should be maintained as a dark habitat. Again this aspect can be controlled by condition requiring any lighting to be approved.

Landscape

There is a mature oak tree within the site which has good amenity value. The vehicular access would come close to this. The access alignment has been approved in the previous approval for the stables. This was subject to a tree protection condition, which would be again applied to any approval.

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 supporting detail explains that parking would be available for the applicant / person supervising the dog park and the customer. The spaces are arranged in a linear manner as the applicant would be on site first and last enabling both vehicles to use the turning space. The scheme would be acceptable in terms of its impact on highway safety.

Response to Representations:

Many of the points raised through representation have been discussed above. Other issues raised are discussed below;

- Concern is raised regarding the potential for the site to remain untidy. – The site appears untidy at present. Should this persist then the Council does have enforcement powers which may be able to be applied to resolve this.
- The plans should show the lines of the public footpaths and bridleways – None of the footpaths or bridle ways which cross the site or are directly by the site would be directly affected by the scheme. Whilst these are not detailed on the plan Officers have details as to the location of these and have had regard to the visibility of the site when experienced from these routes.

Summary

The most important policies for determining this application are out of date. Paragraph 11d) is not triggered as the Green Belt policies do not provide a clear reason for refusal.

Paragraph d) of the Framework states that permission should be granted unless in 11dii), the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole.

In this particular instance the benefits are;

- Social

The supporting comments indicate that there is a need for a facility such as this, with there being a lack of access to alternatives nearby. The dog park would increase animal welfare and provides recreation and wellbeing benefits to users. Moderate weight is attributed to this.

- Economic benefit

The NPPF places significant weight on supporting economic growth, In this instance it would enable a small business to operate. Given the very small nature of this limited weight is given to this.

Disbenefits:

- The disbenefit is the minor negative visual impact on the Area of High Landscape Value as a result of the intensification of the use of the site which would be visible particularly from the public footpath network. Moderate weight is given to this.

Impacts on the Green Belt, Amenity, Highways, and Ecology have been assessed as compliant with policy and weigh neutral in the planning balance

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

In applying the tilted balance, this falls slightly in favour of the benefits identified above.

This is a finely balanced decision, however this scheme represents a significant improvement compared to the previous refusal and subject to the recommended conditions would comply with the above policy aims.

Recommendation: Grant Conditionally.