

APPLICATION REPORT – 20/01363/FUL

Validation Date: 18 December 2020

Ward: Eccleston And Mawdesley

Type of Application: Full Planning

Proposal: Change of use of field from agricultural land to the walking and exercising of dogs and creation of a vehicle parking area

Location: Field Off Wood Lane Mawdesley

Case Officer: Mike Halsall

Applicant: Mrs Ruth Brown

Agent: Mr Chris Weetman, CW Planning Solutions Ltd

Consultation expiry: 3 February 2021

Decision due by: 5 March 2021 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions.

SITE DESCRIPTION

2. The application site is located in the Green Belt on the south side of Wood Lane, Mawdesley, and is a roughly triangular shaped open field. Wood Lane is also a Public Right of Way (FP30).
3. The site is surrounded by open agricultural fields with hedges and intermittent trees to boundaries. The nearest dwelling is Woodview, a bungalow located approximately 100m to the north west of the application site. The Rock and River outdoor pursuits centre is located further along Wood Lane, approximately 120m to the south west of the application site.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks full planning permission for the change of use of the field from agriculture to the walking and exercising of dogs, with the creation of a vehicle parking area, accessed directly from Wood Lane.
5. Gravel hardstanding would be placed on the field to accommodate the parking of up to 5no. vehicles. The proposed hours of operation are as follows:

April to September

6 am to 9 pm Monday to Friday

9 am to 7 pm Saturdays and Sundays 10 am to 7 pm on Public Holidays

October to March

8 am to 4 pm Monday to Friday

9 am to 4 pm Saturdays and Sundays 10 am to 4 pm on Public Holidays

6. The use of the field is proposed to be limited to single bookings and a maximum of 6no. dogs at any time, with the exception of group social sessions, or training sessions, which shall be limited to a maximum of one hourly session every 7 days and not commencing prior to 11.00am.

REPRESENTATIONS

7. Representations have been received from 7no. individuals citing the following grounds of objection:

- Proposal is unnecessary as plenty of accessible footpaths in the area for dog exercising
- There are already existing dog fields in the area in Burscough and Horscar Moss
- Traffic generation
- Proposal will exacerbate the existing poor condition of the road
- Pedestrian and highway safety
- Already lots of traffic from the Rock and River business
- Increased amount of dog waste
- Air quality
- Parking area will overlook the rear of Wood Farm and Wood Farm Bungalow
- Noise
- Dogs may scare livestock in adjacent fields
- Harm to Green Belt
- Reference to similar application ref. 20/00848/FUL that was refused planning permission
- Claims no site notice has been erected
- Application should be refused unless Nook Lane is resurfaced and proper drainage installed
- Fear of further housing or commercial developments being approved
- Not an engineering operation
- Inappropriate development as there are other dog walking facilities near-by
- Conflicts with policy BNE1 of the Chorley Local Plan 2012-2026
- Adverse impact on the amenity of the neighbouring occupiers and satisfactory mitigation measures could not be put in place to reduce any detrimental impact to the occupiers of such properties
- Loss of privacy
- Impair public access to Mawdesley Moss
- Harm to hedgerows, ponds and watercourses

CONSULTATIONS

8. Lancashire County Council Public Rights Of Way: No comments have been received.
9. Mawdesley Parish Council: Have responded to state that in principle they have no objection to the proposed development, but want reassurance that creating an access would not be used a reason to allow future housing development.
10. Lancashire County Council Highway Services (LCC Highways): Have no objection to the proposal and state that they are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. A condition is recommended requiring the car parking area to be available for use prior to the first use of the development.
11. Greater Manchester Ecology Unit: Have recommended that an informative be attached to any grant of planning permission so that the applicant is aware of the legal protection that certain species receive and that the granting of planning permission does not negate the need to abide by the laws that are in place to protect biodiversity.

PLANNING CONSIDERATIONS

Principle of development

12. The application site is located within the Green Belt. National policy on Green Belt is contained in Chapter 13 of the National Planning Policy Framework, which states:

133. The Government attaches great importance to Green Belts. 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.

134. *Green Belt serves five purposes:*

- a) *to check the unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring towns 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.*

143. *As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

144. When considering any planning application, local planning authorities should ensure 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.

145. *A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- a. *buildings for agriculture and forestry;*
- 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;*
- c. *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d. *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e. *limited infilling in villages;*
- f. *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g. *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

146. *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:*

- a. *mineral extraction;*
- b. *engineering operations;*
- c. *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d. *the re-use of buildings provided that the buildings are of permanent and substantial construction;*

- e. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f. development brought forward under a Community Right to Build Order or Neighbourhood Development Order.'
13. The application is principally a change of use application with no new buildings proposed. There would however be an engineering operation to create the car parking area of approximately 100 square metres in surface area. This would consist of depositing gravel onto the field to form a permeable area of hardstanding. The proposal, therefore, falls within exceptions 'b' and 'e' of paragraph 146 of the Framework as not being inappropriate development, providing it preserves the openness of the Green Belt and does not conflict with the five purposes of including land within it (listed above).
14. As such there are two considerations in respect of the proposal and the appropriateness of the development in the Green Belt as follows:

- Will the development preserve the openness of the Green Belt?

Whilst the test for sites such as this relates to preserving openness it is important to note that the Framework contains no specific definition of 'openness'. It is noted that the car park itself would be a low lying surface structure, and in this respect would not have a physical impact on openness due to its two dimensional nature. This could be controlled by a planning condition requiring the submission of 'before and after' ground level plans.

The proposed change of use would result in dogs and their owners using the field and there would likely be occasional use of small pieces equipment for dog training purposes within the field. There would also be vehicles parking at the site, but this could be restricted to the car parking area by planning condition. Visual impacts from the proposal would be transient and minimal. The openness would, therefore, be preserved.

- Will the development conflict with the purposes of including land in the Green Belt?

Paragraph 134 of the Framework sets out the five Green Belt purposes, which the scheme is assessed against as below:

Purpose 1 (to check the unrestricted sprawl of large built-up areas)
The proposal does not relate to a large built up area. The area is rural/semi-rural.

Purpose 2 (to prevent neighbouring towns merging into one another)
Development of the site would not lead to the coalescence of neighbouring towns. In respect of the neighbouring villages, the development would not lead to a coalescence of neighbouring villages. The land is already developed and there is a large gap between the nearest towns/villages/settlements of Eccleston and Mawdesley.

Purpose 3 (to assist in safeguarding the countryside from encroachment)
The proposed car park would be roughly 12m x 7m and would have the appearance of a small section of gravel track, with no defined kerb stone edging, which would allow the grass to grow against the hardcore. The car park would be located at the entrance to an open field, accessed directly from the road. The car park itself is designed to be of a simple low-key appearance. The absence of any kerb edgings or other paraphernalia would result in an agricultural appearance. In consideration of the simple construction method and materials it is considered that the application site would retain the appearance of an open agricultural field and, therefore, the proposed car park and change of use would not result in any harmful encroachment into the Green Belt.

Purpose 4 (to preserve the setting and special character of historic towns)
This does not apply as the site is not located near a historical town.

Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land)

It is not considered that the proposal conflicts with this purpose.

15. The proposed change of use, including the car parking area, would effectively preserve the openness of the Green Belt, given the simple low level surfacing and lack of kerb edging of the car park and other permanent structures, and there would be no conflict with any of the purposes of including land within the Green Belt. The proposal is, therefore, not considered to be inappropriate development in the Green Belt.

Design, amenity and highway safety

16. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):
 - a) *The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
 - b) *The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing;*
 - c) *The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*
 - d) *The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;*
 - g) *The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;*
17. The proposal would involve dog owners driving to the field and parking (up to 5no. cars at any one time) and then using the field for dog exercise/training resulting in occasional dogs barking and probably owners shouting commands. The proposed development would undoubtedly generate some noise and neighbouring occupants of residential dwellings have a right to the quiet enjoyment of the countryside.
18. The question has arisen for a similar proposal to this, recently refused planning permission by the local planning authority, as to whether this issue of residential amenity could be adequately controlled by the imposition of planning conditions, e.g. limiting the number of dogs that can use the field at any one time and restricting the hours of operation.
19. Paragraph 55 of the Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
20. Restricting the days and hours of operation would meet the tests of planning conditions as identified in the Framework and is a common condition attached to planning permissions relating to the operation of a business. Restricting the number of dogs however is not considered to be an enforceable condition. It would be extremely difficult, if not impossible, to enforce such conditions as some dog owners could claim to be walking their dogs on the field / in the area incidentally and not using the field in connection with the proposed new use of the field, should it be approved and such a condition imposed.
21. The above said, the two applications are very different in terms of potential impacts upon neighbours. The refused scheme had neighbouring dwellings that bound the application site.
22. In this case, the nearest dwellings are in excess of 100m from the application site. There are also intervening hedges and trees between the application site and these receptors. It is, therefore, considered that there would be no unacceptable impacts upon neighbouring residents in terms of noise and disturbance and a condition to limit the number of dogs is

considered unnecessary, even it was enforceable. The relatively small size of the site and the parking area would likely control this in any case. It is however considered appropriate to attach a condition to control the timing of the use of the field and that these should differ slightly to those proposed by the applicant. 6am is considered too early to start and 9pm too late. 7am to 8pm is considered to be more appropriate.

23. The field is relatively flat, at a similar level to that of the nearest dwellings and so this, along with the separation distances involved, would ensure no overlooking or loss of privacy would occur to neighbouring residents.
24. The siting, layout, design and use of materials are considered appropriate for the car park.
25. LCC Highways have not identified any concerns relating to parking or highway/pedestrian safety and the proposal is, therefore, considered acceptable from a highway safety perspective.
26. The proposal complies with policy BNE1 of the Chorley Local Plan 2012 – 2026.

Ecology

27. Policy BNE9 of the Chorley Local Plan 2012 – 2026 seeks to safeguard protected and endangered species and their habitats. The Greater Manchester Ecology Unit has no objections to the scheme and has recommended an informative be attached to any grant of planning permission, as explained above. The proposal is, therefore, considered to comply with policy BNE9 of the Chorley Local Plan 2012 – 2026.

Community Infrastructure Levy

28. The proposal is not a chargeable development as no floor space is to be created.

CONCLUSION

29. The proposal does not represent inappropriate development in the Green Belt and would not result in any unacceptable impacts in terms of ecology, highway safety or neighbour amenity. The proposal is considered to be acceptable and is, therefore, recommended for approval, subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 75/00420/FUL	Decision: PERFPP	Decision Date: 30 June 1975
Description: Extension		
Ref: 77/00880/NLA	Decision: PERNLA	Decision Date: 15 November 1977
Description: Outline application for house		
Ref: 88/00311/OUT	Decision: REFOPP	Decision Date: 12 July 1988
Description: Outline application for erection of one detached dwelling		
Ref: 91/00379/COU	Decision: PERFPP	Decision Date: 24 July 1991
Description: Change of use from agricultural barn to commercial climbing barn with ancillary facilities		
Ref: 91/00591/ADV	Decision: PERFPP	Decision Date: 31 July 1991
Description: Display of various illuminated signs		
Ref: 91/00715/LBC	Decision: PERFPP	Decision Date: 10 December 1991
Description: Erection of two pairs of semi-detached cottages		
Ref: 91/01046/REM	Decision: PERFPP	Decision Date: 20 January 1992
Description: Revised application for the erection of agricultural workers dwelling		

- Ref:** 97/00473/COU **Decision:** PERFPP **Decision Date:** 5 November 1997
Description: Conversion of redundant cattle building to agricultural and blacksmith's workshop
- Ref:** 99/00584/COU **Decision:** PERFPP **Decision Date:** 22 December 1999
Description: Change of use of redundant agricultural building to bunk barn accommodation
- Ref:** 99/00585/COU **Decision:** PERFPP **Decision Date:** 22 December 1999
Description: Change of use of 1.2ha of agricultural land to leisure and education, including 0.4ha lake
- Ref:** 01/00679/FUL **Decision:** PERFPP **Decision Date:** 19 December 2001
Description: Erection of boat and bicycle store and archery and air rifle sheds
- Ref:** 02/01252/FUL **Decision:** PRRRTF **Decision Date:** 12 February 2003
Description: Erection of temporary mast on which to mount instruments to collect wind speed data
- Ref:** 07/00482/COU **Decision:** REFFPP **Decision Date:** 5 September 2007
Description: Change of use and improvements to existing barn to provide basic shelter and facilities for groups using the activity centre
- Ref:** 07/00568/FULMAJ **Decision:** REFFPP **Decision Date:** 12 September 2007
Description: Erection of 3 No. wind turbines
- Ref:** 07/01061/COU **Decision:** PERFPP **Decision Date:** 14 November 2007
Description: Change of use of part of former agricultural building to toilets, showers and changing rooms for use by outdoor pursuits centre
- Ref:** 08/00034/FUL **Decision:** WDLPA **Decision Date:** 12 September 2008
Description: Proposed siting of 3no. metal containers for use as temporary staff accommodation and 1no. portacabin for use as a classroom
- Ref:** 09/00241/FUL **Decision:** PERFPP **Decision Date:** 18 June 2009
Description: Two Storey Extension to Existing Outdoor Pursuits Centre
- Ref:** 09/00880/DIS **Decision:** PEDISZ **Decision Date:** 8 December 2009
Description: Application to discharge conditions 2, 4, 6, 7 and 8 attached to planning approval 07/00568/FULMAJ
- Ref:** 11/00052/SCE **Decision:** PESCEZ **Decision Date:** 6 April 2011
Description: Request for a screening opinion under the Town and Country Planning (EIA) regulations for proposed solar generation farm
- Ref:** 13/00387/ADV **Decision:** PERADV **Decision Date:** 8 July 2013
Description: Erection of 1 x engraved wooden sign (maximum 160 x 120 cm) with wooden frame and wooden legs (Max 200cm high) and 2 x Plastic signs (max 90 x 40cm) supported by metal posts (maximum 120cm high)
- Ref:** 20/00405/NOT **Decision:** PERTEL **Decision Date:** 12 May 2020
Description: Notification of intention to install 5no. 10m high telephone poles
- RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
planning drawing	203/PL01	18 December 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

4. The parking of vehicles at the site will be restricted to 5 vehicles and parking shall only take place on the area of porous hardstanding identified on drawing ref. 203/PL01.

Reason: To ensure the openness of the Green Belt is not harmed by parking of additional vehicles.

5. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and the specification of material to be used for the car parking area shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

Reason: To protect the appearance of the locality and the openness of the Green Belt.

6. The use hereby permitted shall only be carried out between the following hours:

April to September
7 am to 8 pm Monday to Friday
9 am to 7 pm Saturdays and Sundays 10.am to 7.pm on Public Holidays

October to March
8 am to 4 pm Monday to Friday
9 am to 4 pm Saturdays and Sundays 10.am to 4.pm on Public Holidays

Reason: To safeguard the amenities of neighbouring residents.