

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02646/S73	Removal of Condition 1 (Use of agricultural land for the siting of a Dog Walking Facility) of planning permission reference 23/02221/FP granted on 08/01/2024 for Change of use of field to dog walking field, including installation of fencing. Retention and completion of existing agricultural track and visitor parking area (as amended by plan received 15th November 2023).	Land To The West Of High Street Graveley Hertfordshire SG4 7LE

Submitted Plan Nos

Appendix E - Noise Management Plan Appendix A - GROWWS-1-5-001-Rev A Appendix B - GROWWS-1-1-003B

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
SECN12	Achieving well-designed places

2.0 **Site History**

- 2.1 **24/02118/FP** - Temporary erection of weather shelter and dog play frame on dog walking field.

Conditional Permission

- 2.2 **24/00091/DOC** - Details reserved by condition 4 (Fence Details) of planning permission reference no 23/02221/FP granted 08.01.2024.

Approval of Details

- 2.3 **23/02221/FP** - Change of use of field to dog walking field, including installation of fencing. Retention and completion of existing agricultural track and visitor parking area (as amended by plan received 15th November 2023).

Conditional Permission

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – A total of 26 representations have been received from local residents and users of the dog field, stating the following comments (summary):
- The dog field causes significant noise impacts through barking, whistling and shouting by owners from early morning until the evening.
 - The submitted Noise Impact Assessment has untrue and misleading statements.
 - A lot of activity takes place by the play frame area which is intrusive on neighbours privacy.
 - The site is on Green Belt land and is partly within the Conservation Area.
 - There have been near misses with vehicles leaving the site from the access which is required to cross over the pavement.

- Neighbours have complained directly to the operator due to excessive and prolonged noise from some users and their dogs, which can be sporadic and unpredictable.
- Concerns over the siting of the play frame closer to residents rather than towards the end of the field.
- Concerns that any objections will not be taken seriously or have any impact.
- The type of noise associated with this use is very different to the background noise from the A1(M).
- Numerous letters of support have been received from users of the dog field, siting that this is a significant community benefit, well managed, is compatible with the character of the area and the noise impacts are not excessive.

3.2 **Hertfordshire Highways** – *“The Highway Authority did not recommend Condition 1 and therefore does not object to the proposed Variation. However, it notes that while there is a record of Condition 4 (Fence Design) having been discharged, the same does not appear to be the case for Condition 5 (Vehicular Access). The LPA may wish to take this into consideration when ruling on Condition 1”.*

3.3 **Environmental Health** – *“Thank you for consulting Environmental Protection on this application.*

The application seeks to remove the condition which renders the current permission a temporary one. The application is supported by a noise assessment, a planning statement and a noise management plan.

The noise report concludes that noise from the facility is generally negligible and if that the current hours of use continue allied to the controls outlined in the noise management plan and booking etc, then this situation would continue.

The planning statement outlines that during the use to date 3 complaints have been received by the business both of which appear to have been dealt with at the time they occurred (or shortly after) and with decisive action. I have no way of verifying this information but have no reason to disbelieve it.

The Council have received no complaints about noise from the use of the facility for the duration of the use. This provides little grounds for me to offer any objections to the proposals given this and the additional information.

The two-year temporary permission condition was utilised to offer an opportunity for review of the situation following a couple of years of use. I am not in a position to object to this application”.

3.4 **Conservation Officer** – *“I have no comments to offer on this application”.*

3.5 **County Archaeology** - *“Condition 1 relates to temporary use of the site, therefore in this instance, we have no comments to make on the proposal”.*

3.6 **Graveley Parish Council** – No response received.

3.7 **Environment Agency** – No response received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site forms part of a wider agricultural field located to the west of the High Street, Graveley. There is an existing access to the site off the High Street between the George and Dragon Pub and The Wagon and Horses Pub, which also comprises a public footpath (017) leading to Pondside. The site is predominantly laid as grass but following the grant of planning permission in January 2024, the site is enclosed by fencing and includes areas of hardstanding and a play frame, located behind the George and Dragon Pub and residential properties on the High Street. The field is relatively flat and is bounded by landscaping on its east, west, and south sides.
- 4.1.2 All of the site is designated as within the Green Belt and the northern part of the site between The Waldens and the parking area for the George and Dragon Pub is within the Conservation Area. The George and Dragon and The Wagon and Horses Pubs are both grade II listed, as is Pondside Cottage, which is a residential property due west of the northern part of the site. The site is also within Flood Zones 2 and 3.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the removal of Condition 1 (Use of agricultural land for the siting of a Dog Walking Facility) of planning permission reference 23/02221/FP granted on 08/01/2024 for Change of use of field to dog walking field, including installation of fencing. Retention and completion of existing agricultural track and visitor parking area (as amended by plan received 15th November 2023).
- 4.2.2 Condition 1 of the planning application ref: 23/02221/FP reads as follows:

“The use of agricultural land for the siting of a Dog Walking Facility hereby permitted shall be discontinued and the land restored to its former condition on or before 2 years from the date of this approval, unless planning permission is sought to formalise the development in perpetuity.

Reason: Permission has been granted for a temporary period solely to monitor the use and the appropriateness of the development in regards to amenity”.

- 4.2.3 The aforementioned application was granted for a period of two years to allow for monitoring and receipt of any complaints by the Council. The current proposal is submitted to remove this temporary condition, thus establishing the operation of the site on a permanent basis as a dog walking field.

4.3 **Key Issues**

The Principle of Development in the Green Belt

- 4.3.1 This matter was considered in detail within the parent permission under ref: 23/02221/FP, where it was concluded that the proposed dog walking facility and associated built form complies with paragraph 154 h) (then 150 e) of the NPPF and is therefore not inappropriate development, subject to an assessment of the impact of the proposal on openness and the purposes of the Green Belt. The report concluded that

the proposal would preserve the openness of the Green Belt and would not conflict with any of the five purposes of the Green Belt. Therefore, the proposed development was not considered to be inappropriate development in the Green Belt. In this instance, there is no reason to draw a different conclusion for this application.

Design/Impact on the Character of the Area

- 4.3.2 This matter was considered in detail within the parent permission under ref: 23/02221/FP, where it was considered that the erection of fencing and gates to facilitate the proposed use of the site would not be materially harmful to, or out of character with, the rural character of the area. It went on to conclude that whilst there is an acknowledgement that the proposal would introduce a potentially more consistent use of this field compared to the pre-existing agricultural use, the intensification of use over the period of a day would not result in material harm to the character and appearance of the area, as an average of 12 arrivals/departures is largely insignificant. In this instance, there is no reason to draw a different conclusion for this application.

Impact on Designated Heritage Assets

- 4.3.3 This matter was considered in detail within the parent permission under ref: 23/02221/FP, where it was considered in line with the formal comments from the Council's Conservation Officer, the proposed development would not result in any harm to the character of the Conservation Area or the setting and appearance of the 3 No adjacent listed buildings. The Conservation Officer has responded with no comments on this application, therefore there is no reason to draw a different conclusion for this application.

Impact on the Amenities of Neighbouring Properties

- 4.3.4 Within the Officer report for the parent permission under ref: 23/02221/FP, the impact of the proposal on the nearest residential properties was considered. It was acknowledged that the proposed use of this field would give rise to some impact on amenities, relating primarily to noise and disturbances from users of the site and their dogs. Whilst it was accepted that the noise arising from dogs can be unpredictable and largely depends on the dog, it was considered that further consideration of these impacts was reasonable which led to the inclusion of a temporary 2-year condition, which would allow the proposed use to commence, and due time given to assess the full impact of the proposal on the amenities of neighbours. This 2-year period is due to lapse in early January 2026, which is the basis of this Section 73 application to remove the temporary condition and retain the operation of the site permanently.
- 4.3.5 Officers acknowledge that many of those immediate neighbours who raised concerns relating to noise and disturbance in the parent permission have raised similar concerns under this application, stating that the use of the site causes significant noise impacts through barking, whistling and shouting by owners from early morning until the evening, and that the use of the A-frame causes loss of privacy to nearby properties. Comments go on to state the Noise Impact Assessment makes misleading statements and that many of the supporting comments made by users of the field are not an accurate representation of events. There are also concerns that the comments made by nearby neighbours will not be taken seriously.

- 4.3.6 It is acknowledged in this instance, as it was under the parent permission, that the use of this site as a dog walking facility will result in some impacts on amenities of neighbours, largely due to noise from users and their dogs. The 2-year temporary condition, endorsed by the Council's Environmental Health Officer (EHO), was enforced to allow for these impacts to be monitored in the event that any complaints were received by the Council. This application is also supported by a Noise Management Plan and Noise Impact Assessment, which the Council's EHO has been formally consulted on. The EHO has considered the submission and notes that whilst 3 complaints have been made directly to the operator relating to noise, which appear to have been resolved quickly with the offender in line with their Noise Management Plan, no formal complaints have been made to the Council's Environmental Health Team, which is considered to provide little grounds for the EHO to offer any objections to the proposals in light of this and the additional information submitted. Indeed, there is a consensus that by their nature, dogs are largely unpredictable when it comes to barking and there will be some instances where noise levels may be above those recorded in the Noise Impact Assessment, but it is highly unlikely that there will be consistent noise to an unacceptable level during a typical day of operation at this site. Moreover, the operator's Noise Management Plan is considered robust and whilst Officers have no way of verifying this information, it would appear that the 3 complaints that have been made to the operator directly have been dealt with in a swift manner. In this respect, the concerns of those neighbours close to the site are acknowledged and whilst Officers accept that noise levels could be above the levels set out in the Noise Impact Assessment in some instances, given that this is unlikely to be constant due to the nature of the users and the formal response from the Council's EHO, as well as the measures set out in the Noise Management Plan, it is considered that it would be difficult to sustain an objection to this application on noise/amenity grounds that would hold up in a possible appeal scenario.
- 4.3.7 Other concerns have been raised relating to the use of the A-frame, granted under application ref: 24/02118/FP, and perceived loss of privacy from users to the properties adjacent to the site fronting the High Street. This development is subject to a separate 2-year temporary condition, to allow for monitoring of its impacts, so it would be unreasonable to make any comment or decision under this application for its permanent siting.
- 4.3.8 Overall, whilst Officers do acknowledge the concerns raised by the closest neighbouring properties relating to noise related impacts from this site, it is considered that based on the information submitted in the form of a Noise Impact Assessment and a Noise Management Plan, and in light of the formal response from the Council's EHO who is not raising any objections on noise grounds, the associated impacts from this site are not sufficiently unacceptable to warrant the refusal of this application that Officers would be able to defend in a subsequent appeal scenario. The proposal is therefore considered to accord with Policy D3 of the Local Plan and Section 12 of the NPPF.

Flood Risk

- 4.3.9 This matter was considered in detail within the parent permission under ref: 23/02221/FP, where it was considered that the proposal is considered acceptable in terms of flood risk. In this instance, there is no reason to draw a different conclusion for this application.

Transport and Highway Impacts

- 4.3.10 This matter was considered in detail within the parent permission under ref: 23/02221/FP, where it was concluded following the submission of amended plans and further information to overcome the initial concerns from the Local Highway Authority, there were no objections subject to conditions. The Highway Authority have provided formal comments on this application, stating no objections to the proposed removal of Condition 1. However, the Highway Authority did note that while there is a record of Condition 4 (Fence Design) having been discharged, the same does not appear to be the case for Condition 5 (Vehicular Access). This was brought to the attention of the agent who has since liaised with Officers and the Highway Authority and has submitted a further application under ref: 25/02978/S73 that seeks to resolve this matter separately. Whilst it is acknowledged that concerns have been raised relating to the access to this site and the conflict between pedestrians and vehicles entering/leaving the site, this matter was considered under the parent permission where the Highway Authority raised no objections subject to conditions, which are either resolved already or are in the process of being resolved.

Other Matters

- 4.3.11 The remaining conditions enforced on the original decision notice under planning ref: 23/02221/FP will be re-enforced onto this application, as is standard practice for applications such as this.
- 4.3.12 This application is exempt from the mandatory 10% BNG as it is a S73 application.

4.4 **Conclusion**

- 4.4.1 The proposal is considered acceptable in planning terms and in accordance with the relevant local and national planning policies.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions.

1. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

2. The premises shall not be used except between 0700 hours and 2100 hours Monday - Friday, 0800 hours and 1800 hours on Saturdays, Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: In the interests of amenity. Local Plan Policy D3.

3. The development hereby approved shall be carried out in accordance with fence design approved under application reference 24/00091/DOC, in consultation with the Highway Authority, and shall be maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Prior to the first use of the development hereby permitted the vehicular access improvements, as indicated on drawing number GROWWS-1-1-003, shall be completed and thereafter retained in accordance with details/specifications submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The site shall be operated as inline with the procedures set out in the applicant's Highway Response Letter without restricting booking for non-motorised users.

Reason: To ensure construction of a satisfactory access and satisfactory operation of the site in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5. There shall be no buildings and structures (other than that temporarily approved under application ref: 24/02118/FP), hard surfaces, artificial grass, fences or other permanent means of enclosure on the application site in association with the approved dog walking use, other than those approved as part of this application, unless first agreed in writing by the local planning authority.

Reason: In the interests of the appearance of the locality and openness of the Green Belt.

6. There shall be no external lighting unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the appearance of the locality within the countryside.

7. There shall be no external storage of equipment and general paraphernalia associated with the dog walking use of the land, unless otherwise agreed in writing with the local planning authority.

Reason: in the interests of the appearance of the locality within the countryside.

Biodiversity Net Gain

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 17 December 2025	