

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02118/FP	Temporary erection of weather shelter and dog play frame on dog walking field	Land To The West Of High Street Graveley Hertfordshire SG4 7LE

Submitted Plan Nos

GrowWS_EQ-1-5-001 GrowWS_EQ-1-1-00 GrowWS_EQ-1-1-002 SHL20 Weather Shelter CF1-GA-1000
CF1-GA-1000

1.0 Policies

2.0 **Site History**

- 2.1 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). Temporary Conditional Permission granted.

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – 11 comments have been received from interested parties, objecting to the proposal on the following grounds (summary):

- ☐ Sited in the wrong location – should be positioned away from nearby neighbouring properties
- ☐ Noise impact of barking dogs
- ☐ Unnecessary equipment
- ☐ The dogfield has resulted in significant inconvenience and disturbance and loss of utility of nearby property.
- ☐ Further harm would result to the setting of a Grade II listed building, a designated heritage asset.
- ☐ would result in loss of amenity to nearby dwellings through the generation of noise and other forms of disturbance, and loss of privacy

Some comments were made about floodlighting and opening hours advertised differently from the conditions imposed on previous application. The Applicant has stated this was an unfortunate error on the website which has been resolved.

11 comments have been received from interested parties, supporting the proposal on the following grounds (summary):

- ☐ Much needed facilities for the walking park
- ☐ Similar equipment on other sites and nothing in this area
- ☐ Facilities like this are very important and allow dogs to run free, without the fear of them running away. It is safe, they can be supervised and they are having a lot of fun

- 3.2 **Graveley Parish Council** – “Graveley Parish Council objects to this planning application. Their comments are as follows:-

Graveley Parish Council met on 15th October 2024 and under Agenda Item 24/075a discussed the above Planning Consultation and voted to object, this was unanimously agreed. The following comments were made:-

This application is building on the application 23/02221/FP from October 2023 to erect this dog field on the edge of Graveley village. Despite considerable objections from local Graveley residents to this application, including all residents living close to the field concerned about impact on local amenity, this application was granted.

Point 6 of the Decision Notice stated that buildings and structures could not be erected without the permission(s) from the local planning authority.

This new application is an incremental creep to place structures on and further develop the dog walking field and creates further negative impact on local amenity and openness of the Green Belt. The applicant describes how the 2 structures will benefit users of the site (although users have not requested the dog play frame, only a shelter). However what about Graveley village residents as this will further impact negatively on local residents.

The structures are immediately behind numbers 1 and 3 High Street.

These, and other nearby residents, are ALREADY disturbed by frequent dog barking and occasional whistles. The table currently on the site is positioned so that users sitting there can look directly into the bedroom window of the resident of 3 High Street. The proposed dog play frame is a very large structure which will impact on openness of the Green Belt. This large structure with steps and ramps topped by a house will also lead to more human noise with users encouraging their dogs to use the structure. For the applicant to state that these additions will not lead to additional noise is wrong and disingenuous.

Graveley Parish Council strongly objects to this latest application due to impact on openness of the Green Belt and negative impact to amenity of local residents and we urge the planning officer to refuse this application. As we stated in our objection to the original application, this dog field is on the edge of a small village and evidence since its opening shows how noise from the field IS impacting on local residents. This latest application will only add to this.

There is absolutely no requirement for the large dog play frame. Many dog walking fields don't have such a structure.

If the planning officer considers that a weather shelter should be permitted, we ask that this is required to be situated down on the very southern end of the site. This would minimise the impact on local amenity and is a reasonable request to keep noise and disturbance to a minimum for local residents.

Recommendation: Objection

Following receipt of this formal objection from Graveley Parish Council, I emailed the relevant Ward Councillors to consider whether they would like this application called-in to Planning Control Committee, or if this could be determined under delegated powers. After 5 working days, No response was received.

Environmental Health - Noise:

Environmental Protection have received no complaints to date of noise from dog barking at this facility. Given this, the limited scope of the equipment, and the temporary approval, I have no objections to the proposals.

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 has some recently installed areas of hardstanding in the northern part of the field, 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 temporary erection of weather shelter and dog play frame on dog walking field

4.3 **Key Issues**

- 4.3.1 The key considerations are:

- ☐ The Principle of Development in the Green Belt
- ☐ Design/Impact on the Character of the Area
- ☐ Impact on Designated Heritage Assets
- ☐ Impact on the Amenities of Neighbouring Properties
- ☐ Other Matters

The Principle of Development in the Green Belt

- 4.3.2 The site is designated as within the Green Belt. Policy SP5 of the Local Plan states that the LPA will only permit development proposals in the Green Belt where they would not result in inappropriate development, or where very special circumstances have been demonstrated. Section 13 of the National Planning Policy Framework (NPPF) notes that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open. Paragraph 149 and 150 of the NPPF offers several exceptions to inappropriate development
- 4.3.3 Under the previous planning application, the case officer stated that the proposed use of the site as a secure dog walking facility falls within exceptions 149 b) and 150 e) of the NPPF, as a dog walking facility would class as a form of outdoor recreation, and it would be a material change of use of the land for outdoor recreation. This would dictate that

the proposal would not be inappropriate development, so long as the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

- 4.3.54 A fundamental aim of Green Belt policy, as set out in the NPPF, is to keep land permanently open. Openness can be considered as meaning an absence of built or urbanising development. The proposed development would comprise of a small wooden shelter and dog play frame.
- 4.3.5 In my opinion, given the size of the proposed shelter, which measures 2.4m wide x 1.6m deep x 2.2m high at the front and 2.1m high at the back and its location next to other built form of the fence and parking area, there will not be any spatial harm on openness.
- 4.3.6 In term of the dog frame, again I would conclude as above that given its location on a small area of woodchip to protect the surrounding grass, close to the other formal structures of the parking area and gates and fences, the development accorded with Chapter 13 of the Framework, and that the proposal would not be inappropriate development in the Green Belt and furthermore would preserve the openness.
- 4.3.7 In conclusion, it is considered that the proposed development complies with paragraph 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 above sections have 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 is not inappropriate development in the Green Belt. Very Special Circumstances do not need to be demonstrated.
- 4.3.8 This is in accordance with Policy SP5 of the Local Plan and Section 13 of the NPPF.

Design/Impact on the Character of the Area

- 4.3.9 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.10 The site is an open largely flat field in agricultural use, which contributes to the character of the countryside.
- 4.3.11 In my opinion, the visual impact associated with the proposed physical development would not result in material harm to the character and appearance of the area given the size of the proposed shelter and play frame.
- 4.3.12 As such, the proposal is considered acceptable in design terms, in accordance with Policies SP9 and D1 of the Local Plan, as well as Section 12 of the NPPF.

Impact on Designated Heritage Assets

- 4.3.13 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, which are either side of the existing access of the High Street,

are both grade II listed, as is Pondside Cottage, which is a residential property due west of the northern part of the site. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers, in conservation areas “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that where considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses.

- 4.3.14 Given that the Conservation raised no objections to the previous application, it is considered that the proposed development would not result in any harm to the character of the Conservation Area or the setting and appearance of the 3No adjacent listed buildings. This is in accordance with Policy HE1 of the Local Plan and Section 12 of the NPPF.

Impact on the Amenities of Neighbouring Properties

- 4.3.15 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.16 The site is a long and narrow stretch of field located due west of the High Street and due south and east of Pondside. There are several residential properties located on the High Street, namely No's 1, 1a, 3, 9 and 15, which have gardens that back onto the site directly. There are also residential properties located off Pondside, namely Waldens and Pondside Cottage, which face onto the site. The two pubs, The George and Dragon and the Waggon and Horses, are located either side of the existing access to the site. There are other properties further afield on Ashwell Close and Pondside that do not directly face onto the site but are within relative proximity.
- 4.3.17 It is acknowledged that the proposed use of this field as a secure dog walking facility will give rise to some impact upon the amenities of neighbouring properties, compared to the existing situation and use of the site. There have been several consultation responses submitted by the immediate neighbours to the site and the Parish Council, concerning the increased noise and disturbances that would be caused by the proposal, such as noise from dogs.
- 4.3.18 The concerns of interested parties as stated above are noted in respect of noise and disturbance. That said, Environmental Health have confirmed that no official noise complaints have been submitted to the Council since the previous application was approved and use of the site was implemented. The level of noise arising from the use of the play frame and shelter will not be continuous or overly significant. This level of noise and disturbance is not considered to be materially adverse, I do not believe the level and frequency of disturbance from this site would be materially harmful or enough to mount a reasonable objection, but I do acknowledge that there may be a case for further consideration of this potential impact. The previous application has a 2-year temporary condition, which allowed the proposed use to commence, and due time given to assess the full impact of the proposal on the amenities of neighbours. In my opinion, I have therefore recommended condition for the structures to be in line with this, therefore a

condition will be worded to reflect the timescales of the use of the site, this is reasonable to allow for the monitoring of disturbance.

4.3.19 The Councils Environmental Health Officer has formally responded to this application. The EHO has endorsed the inclusion of a temporary condition.

4.3.20 Overall, I do not consider that there are any materially adverse reasons to refuse permission on the grounds of neighbour amenity impacts. The imposition of a temporary condition will enable the proposed use to commence, whilst also allowing the monitoring of the impact the proposal may have on the immediate neighbours. This is reasonable in my opinion and as such, the proposal is deemed acceptable, in accordance with Policy D3 of the Local Plan.

Biodiversity net gain and Ecology

4.3.21 The Local Plan sets out a clear strategic approach for the protection, enhancement, creation and management of networks of green infrastructure. This is detailed in Policy SP12 (Green Infrastructure, landscape and biodiversity). Policy NE4 (Biodiversity and geological sites) states that planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with SP12. All development should deliver measurable net gains.

4.3.22 However, following consultation with our ecologist the proposed development would be exempt as the development is less than 25sqm.

4.4 Conclusion

4.4.1 Overall, the proposed development is considered to comply with paragraph 150 e) of the NPPF and is therefore not inappropriate development. It is further 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. Very special circumstances do therefore not need to be demonstrated.

4.4.2 I consider that the erection of the shelter and dog frame would not be materially harmful to, or out of character with, the character of the area.

4.4.3 The proposed development would not result in any harm to the character of the Conservation Area or the setting and appearance of the 3No adjacent listed buildings.

4.4.4 With respect to the impact of the proposal on neighbour's amenity, on balance, I do not consider that there are any materially adverse reasons to refuse permission. The imposition of a temporary condition will enable the proposed use to commence, whilst also allowing the monitoring of the impact the proposal may have on the immediate neighbours. This is reasonable in my opinion and has been agreed by the agent.

4.4.5 As such, the proposal is therefore acceptable in planning terms, in accordance with Policy SP5, D1, D3, HE1 of the Local Plan, as well as Section 12, 13 and 14 of the NPPF.

4.5 Alternative Options

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 The agent is in agreement with the proposed pre-commencement conditions.

5.0 **Recommendation**

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

1. The weather shelter and dog play frame within the Dog Walking Facility hereby permitted shall be discontinued and the land restored to its former condition on or before 08/01/2026 in conjunction with previous permission for the Dog Walking Facility under application 23/02221/FP 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.

2. 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.

3. 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.

4. The hereby shelter and equipment 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.

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. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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 Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 4 December 2024	