

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02978/S73	Changes to wording of condition 5 of planning permission 23/02221/FP granted 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

GROWWS-1-1-003B Response to Highways Cover Letter - Variation Of Condition 5 GrowWS-1-5-001A-

1.0 Policies

2.0 **Site History**

- 2.1 **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).

Conditional Permission

- 2.2 **24/02118/FP** - Temporary erection of weather shelter and dog play frame on dog walking field.

Conditional Permission

- 2.3 **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

- 2.4 **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** – Two responses received from Swifthaven and Waldens objecting on the following grounds (summary):

- This facility is not popular with villagers.
- The users of the field can be noisy and there has been a near miss with a car entering the site.
- Concerns about the use of the path next to the field by children going to school.
- Concerned with the siting of play equipment and shelter in its position, felt it should have been located further into the site away from properties.
- Noise disturbance and vehicle movements impacting residents.
- Development harms the Conservation Area.

- 3.2 **Hertfordshire Highways** – *“Thank you for consulting the above application (Ref: 25/02978/S73). This application seeks change to wording of condition 5 of planning permission (Ref-23/02221/FP granted 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)."*

The highway authority considers that this Section 73 application, the proposed variation of Condition no. 5 under extant planning permission ref: 24/02563/S73 will not result in any adverse impact in terms of highways safety and therefore the highways raise no objection to variation proposal”.

- 3.3 **Graveley Parish Council** – *“Graveley Parish Council have no further comments to make in relation to this planning consultation”.*

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 to make a change to wording of condition 5 of planning permission 23/02221/FP granted 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 5 of the planning application ref: 23/02221/FP reads as follows:

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 in line 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).

- 4.2.3 This application seeks the variation of Condition 5 to be worded as follows:

The vehicular access improvements, as indicated on drawing number GROWWS-1-1-003B, shall be completed and thereafter retained for the duration that the site operates as a dog walking field. The site shall be operated in line 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).

- 4.2.4 The rationale behind this application is that following the grant of the original planning permission, the applicants completed the construction of the access track, visitor parking area and fencing in line with details shown in Plan Reference GROWWS-1-1-003B. The Graveley dog walking site opened on 12 April 2024 and has been operating in line with the Highways Response Letter referred to in Condition 5 and submitted as part of this application. It is stated that the site has therefore been operating in compliance with Condition 5 however, the discharge of the original condition was overlooked. As the site is operational and the terms of the condition require discharge prior to first use, the applicant is unable to discharge this condition retrospectively. Therefore, the re-wording of this condition would maintain the compliance requirement

4.3 **Key Issues**

- 4.3.1 This application is only relating to Highways and Access matters, with the rest of the key planning issues already addressed under application refs: 25/02646/S73 and 23/02221/FP. Therefore, these other issues will not be addressed in this report.

Highway and Access

- 4.3.2 The highway and access related considerations was considered in detail within the original 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. Under the previous application at this site to seek the permanent use of the facility under ref: 25/02646/S73, the Highway Authority provided formal comments stating that the original Condition 5 (Vehicular Access) has not been approved. Upon bringing this to the attention of the agent, who has liaised with Officers and the Highway Authority, this application has been submitted which seeks to resolve this matter.
- 4.3.3 The Highway Authority have formally responded to this application and have no objection to the variation of Condition 5, which essentially changes it from a prior to use condition to a compliance condition, given that the works as shown on the approved plan have already taken place prior to formal approval. On this basis, the proposal is acceptable.

Other Matters

- 4.3.4 The concerns of those interested neighbours are noted, and the majority of those issues have already been addressed in the report for the previous application under ref: 25/02646/S73. However, in relation to the near misses with pedestrians and those entering the site by car and the concerns with children using the footpath next to the access road, this was considered under the original parent permission for this site where the Highway Authority did not object or share these concerns. Given that Highways are also satisfied with this application, there is no reasonable basis to object to the proposal for these reasons.

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.

N.B. Due to the re-numbering of conditions between the original application (ref: 23/02221/FP) and the recent Section 73 application seeking to remove the temporary time limit (ref: 25/02646/S73), the original Condition 5 will be re-numbered to Condition 4 on the decision notice.

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. The vehicular access improvements, as indicated on drawing number GROWWS-1-1-003B, shall be completed and thereafter retained for the duration that the site operates as a dog walking field. The site shall be operated in line 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. 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	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 3 February 2026	