

Application No: 22/2715M

Location: LAND OFF BEGGARMANS LANE, KNUTSFORD

Proposal: Change of use of an agricultural field to a dog exercise area and creation of associated enclosures, access and car parking

Applicant: Whirleymere Limited, C/O Wharfe Rural Planning

Expiry Date: 04-Oct-2022

SUMMARY

The application proposes the *“Change of use of an agricultural field to a dog exercise area and creation of associated enclosures, access and car parking”*.

The application site is located in the Green Belt where there are stricter controls on development. In this case, it has not been demonstrated that the proposed development would meet any of the exceptions to inappropriate development in the Green Belt and therefore substantial weight is given to this harm. Additional harm is also found in relation to the adverse impact the development would have on openness.

The proposed development would also materially impact the residential amenity of the nearest properties to the site, due to the noise and associated increase in traffic movements for significant periods of time throughout each day the site is in operation representing other harm.

The impacts on highways, heritage, flood risk, public rights of ways, trees and nature conservation efforts are considered to be acceptable subject to conditions in the event of approval.

SUMMARY RECOMMENDATION

Refuse

REASON FOR REPORT

The application proposes the change of use of a site extending to approximately 2.4ha and therefore falls within the threshold of 2-4ha for the application to be determined by Northern Planning Committee.

The application was also called to Committee by Cllr Abel for the following reasons:

1. *Highways – the proposed development would result in increased levels of traffic and associated on-street parking. This would be detrimental to the free flow of traffic along Beggarman’s Lane, a highway safety issue, in what is a mature residential area.*

2. *Amenity – the proposed level of activity caused by the development will result in unacceptable noise and disturbance of those living in the vicinity of the site, people of maturity who are predominantly living and working close to this site.*
3. *Green Belt – the creation of a formal exercise area for dogs and built structures as part of the proposal will introduce activities which are not compatible with land being designated as part of the Green Belt or the purposes of including and within it.*
4. *The owner of the land has closed off the path that has been used for tens of years to walkers (especially dog walkers) This path was requested to become a Public right of way by Knutsford Town council for the benefit of local people living near by.*

DESCRIPTION OF SITE AND CONTEXT

The application site comprises of two parcels of agricultural land (approx. 2.4ha) accessed from Beggarmans Lane, to the south of Knutsford. The site is located within the Green Belt.

Immediately to the north of the site is residential development where existing dwellings front directly toward the application site. To the east is a mix of agricultural land and a large dwellinghouse (Brackenwood) which are bound by mature trees and hedgerows. A Grade II listed building (Sandfield House) is also located some 140 metres away to the east of the application site. Directly to the south is Sandfield Wood, recorded as a priority deciduous woodland on the Priority Habitat Inventory. To the east is open agricultural land.

Due to the retrospective nature of the application, the site currently contains various enclosures and equipment associated with the dog exercise fields. Prior to this use, the site was an open agricultural field.

DESCRIPTION OF PROPOSAL

The application seeks retrospective planning permission for the *“Change of use of an agricultural field to a dog exercise area and creation of associated enclosures, access and car parking”*.

The proposed dog exercise area comprises of three separate enclosures (Exercise Area 1, Exercise Area 2 and Dog Agility Area). Each area is defined by a 1.2m high stock proof fence with a gated opening to allow access for dogs and their owners.

A total of 10 parking spaces are proposed as part of the application in addition to alterations to the existing access and an access track to connect the car parking area to the access.

RELEVANT POLICIES

Cheshire East Local Plan Strategy (CELPS)

- MP 1 Presumption in Favour of Sustainable Development
- PG 2 Settlement Hierarchy
- PG 3 Green Belt
- PG 6 Open Countryside
- SD 1 Sustainable Development in Cheshire East
- SD 2 Sustainable Development Principles
- SE 1 Design
- SE 2 Efficient Use of Land
- SE 3 Biodiversity and Geodiversity

SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 7 The Historic Environment
SE 12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
Appendix C Parking Standards

Saved Macclesfield Borough Local Plan Policies (MBLP)

DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC13 Noise
DC14 Noise
DC17 Water Resources
DC20 Water Resources
DC33 Outdoor Commercial Recreation
GC1 Green Belt – New Buildings
NE11 Nature Conservation
BE2 Preservation of Historic Fabric

Knutsford Neighbourhood Plan

D2 Local Distinctiveness
D3 Landscape in New Development
E1 Connections to the Countryside
E3 Habitat Protection and Biodiversity
E5 Pollution
HE2 Heritage Assets
T4 Parking

Other Material Considerations

National Planning Policy Framework (2021)

RELEVANT PLANNING HISTORY

21/5417M – withdrawn – March 2022

Change of use of an agricultural field to a dog exercise area and creation of associated enclosures, access and car parking

CONSULTATION

Environmental Protection (CEC)

- Recommend refusal
- Close proximity to residential dwellings
- Noise from dogs, vehicular movements, dog owners
- Complaints of noise nuisance
- Physical controls to contain noise are not available
- Existing and proposed planting would not afford sufficient sound mitigation / attenuation
- Impact would be greatest at weekends
- Hours of proposed use are unreasonable
- Significant duration of noise (up to 10 hours per day)
- Reduction to maximum of 9 dogs is an improvement, but it may be the case that 1 dog alone may be noisy

- Significant increase in vehicle movements per hour / per day
- Expectation for owners to curb excessive barking is impossible to control or enforce
- Acknowledge that the site will not be used for commercial dog businesses
- Significant differences between the proposal and examples referenced in the submitted planning report

Flood Risk (CEC)

- No objection to the principle of the proposed development
- Information provided for the applicant / developer's attention

Highways (CEC)

- No objection
- Proposed parking, access and traffic generation considered acceptable subject to condition to secure appropriate visibility splays

Public Rights of Way (CEC)

- Development does not appear to affect a recorded public right of way
- The site is affected by a claimed footpath which the proposal would obstruct
- The developer should be aware of the potential consequences of this claim being proven

REPRESENTATIONS

The application was subject to over three weeks of public consultation. The full contents of all comments received can be viewed online. A summary of those comments is set out below.

Plumley with Toft and Bexton Parish Council

- Object
- Nuisance to local residents in terms of noise from vehicles and dogs
- Green Belt
- No facilities or toilets provided for users

Esther McVey MP

- Object
- Green Belt land with no exceptional circumstance being demonstrated
- Planning policy is clear that any development, without special circumstance, is not acceptable
- Particularly quiet area in terms of vehicle movements and background noise and therefore any additional noise and traffic generated is noticeable and will therefore disproportionately impact residents local to the site
- Understand the need for the facility and that there is no suggestion that it is not being well run by the current owners, albeit without permission in place. Given the need for such facilities, would be generally supportive of an application of this nature were it not on greenbelt and were it in a slightly busier location

Public comments from 91 addresses were received supporting the proposed development for the following reasons:

- Safe environment to exercise dogs
- Growing dog population
- Diversification of land should be supported
- Booking system prevents vehicle congestion
- Existing trees provide visual screening
- Noise not an issue due to the limit on dog numbers

- Will prevent future building on the land
- Local business
- Temporary use of land
- Not enough dog exercise facilities in the area
- Noise no different to the proposed public right of way on the site
- Existing noise from roads, businesses, school
- On-site parking will reduce impact on neighbours
- Objections from previous application have been addressed
- Disposal of waste is managed
- Will prevent trespassing though the site
- Never witnessed high levels of traffic or noise whilst visiting
- Noise from houses greater than from BarkRun

Public comments from 143 addresses were received objecting the proposed development for the following reasons:

- Inappropriate in the Green Belt
- Impact on openness
- Not suitable next to residential area
- Noise throughout the day (barking, vehicles, raised voices, whistles)
- Noise cannot be managed
- Trees and hedges do not block sound
- Excessive hours of operation
- Odour
- False information in application form
- Not supported by Knutsford Neighbourhood Plan
- Loss of agricultural land
- Loss and damage to hedgerow
- Protected tree impact
- Gives very little to local economy
- Additional traffic
- Poor highway access
- Mud transfer onto the highway
- Safety of pupils walking to / from Bexton Primary School
- Parking on the road
- Lack of information submitted
- Loss of a popular walking route through the site
- 'Stepping stone' to future development
- Unsuitable site for dog training
- History of dog attacks in the area
- Harmful to wildlife
- No facilities (toilet, shelter, storage) – possible future development
- Better suited to an industrial estate
- Fencing not suitable for some dogs – risk of escape
- Not needed as other dog exercise facilities are available
- Greater impact on weekends
- Site is subject to flooding
- Comments in support are from addresses outside of Knutsford
- Contamination
- Will have signage in the future
- Impact on natural drainage
- Other examples given are not comparable

Public comments from 2 addresses were received, making the following general observations:

- Comments in support are from outside of the local area
- At least 40 dog parks within 1 hour of Knutsford
- Does not change Green Belt status of the field
- Beggarmans Lane used as a 'rat run'

OFFICER APPRAISAL

Principle of Development - Green Belt

The application site is located within the Green Belt. Paragraph 149 of the NPPF states that the construction of new buildings and development in the Green Belt shall be regarded as inappropriate. Paragraphs 149 and 150 of the NPPF list a number of exceptions to this, which are reflected in policy PG 3 of the CELPS.

The most relevant exception to inappropriate development in this case would be:

- 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*

The proposed use of the site would involve members of the public visiting with their dog(s) to exercise and train them in a secure purpose-built environment and would be open to all users wishing to make a booking. Accordingly, the proposed development would be considered an appropriate form of outdoor sport and recreation. As a matter of principle, similar uses have been accepted to form an outdoor sport and recreation use in the past.

However, for the development to fully comply with the above exception, it must be demonstrated that the proposed facilities would preserve openness and would not conflict with the purposes of including land within the Green Belt.

The proposed change of use would result in a notable increase in level of activity, including vehicle movements, than the former use as open agricultural land. Throughout the day for the majority of the week, vehicles would be entering and exiting the site on a half hourly basis in accordance with the available booking slots. Whilst it is acknowledged that the proposed maximum number of users of the site has been reduced as part of this application, the level of activity generated would still be significant over and above the former use of the agricultural land.

In addition to the change of use, the application also proposes associated operational development. This includes enclosure fencing, an access track, car parking spaces and other items intended to be positioned permanently on the site such as agility equipment and waste bins. These elements when combined would cumulatively result in a loss of openness, both spatially and visually, when compared to the former agricultural use of the land which would have been absent from such development.

Overall, the former agricultural field would be occupied much more intensively than its former use which would have involved minimal vehicle movements and no placement of physical structures in comparison. The development would therefore reduce openness spatially and would also have a pronounced visual impact on openness.

For the above reasons, the proposed development would fail to accord with any of the listed exceptions to inappropriate development in the Green Belt. Substantial weight is given to this harm. Further harm has also been identified by reason of the adverse impact on openness the development would have.

Amenity

Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It also states that decisions should avoid noise giving rise to significant adverse impacts on health and the quality of life.

Saved policy DC3 is the overarching development plan consideration for assessing the amenity impact of development on residential properties in the vicinity of the site. Under this policy, development will not be supported if it would result in significant injury to nearby properties due to various factors including noise, fumes, loss of privacy, loss of light and traffic generation.

Saved policy DC13 states that noise generating developments which would cumulatively increase the ambient noise level to an unacceptable level, will not normally be permitted. Saved policy DC14 is also of relevance; it states that development may be permitted provided that the effects of noise can be mitigated by soundproofing measures.

Saved policy DC33 relates to proposals for outdoor commercial recreation. Criterion of this policy states that “The proposal should not result in significant adverse impact upon existing residential amenity”.

Environmental Protection Officers raised concerns with the previously withdrawn application at the same site and have confirmed that many of the points raised remain relevant to this re-submission.

The application site is directly opposite to and in close proximity to established residential dwellings, being separated by Beggarmans Lane, a narrow road.

The use of the application site for a dog exercising area commenced in September 2021 following which, complaints of noise nuisance were lodged to the Public Protection & Regulatory Service from a number of nearby residents. The noise in question related to noise from vehicles when arriving at the site in vehicles and parking on either Beggarmans Lane or on the site, and also noise from the barking of dogs when unloaded from vehicles and also when in the exercise and agility areas. Complaints also included noise from the raised voices of dog owners as they call and instruct the dogs, and the chatting of dog owners together.

The general background noise level of the area is very low due to the semi-rural nature of the location. As such, noise from the potential barking of dogs, and vehicular movements will become more noticeable. There will be a variety of different behaviours from dog owners themselves and different degree of owner controls which may involve raised voices, shouting of instructions or use of whistles.

It is acknowledged that the previous intention to allow other commercial dog businesses to use the site for group and training sessions has been removed from this amended application.

Days of Use

The previously withdrawn application proposed opening times every day of the week (Monday to Sunday including Bank Holidays), therefore with no respite day for residents. This application proposes that the use of the exercise area by the public to exercise their dogs will now be restricted to Wednesday to Sunday. Monday and Tuesday have been chosen as respite / maintenance days and Bank Holiday use has been conceded.

Whilst two days of respite have been afforded, the applicant has failed to appreciate that those two days are generally when most residents will be at work and their children at school and that it is the weekend days on which most residents expect to be able to enjoy leisure time at their homes. In particular, Sundays are generally considered to be a more sensitive day when residents expect to be able to enjoy peace at their homes all day.

Weekend times are when the proposed dog exercise facility is considered to be at its busiest. This presents a conflict with the use and enjoyment of the nearby residents' homes as weekends are also the days when residents have typically completed a week of work and expect to be able to enjoy their leisure time at their homes and to enjoy 'family time' together. Sundays and Bank Holidays are generally considered to be even more 'sensitive days' when most residents expect to be able to enjoy a peaceful day in their homes.

It will also be the case that the general background noise level (primarily dictated by traffic noise) will be lower on a Sunday, making any other noise in the area more noticeable. This 'conflict' of the Bark Run facility being at its busiest at weekends, the background noise level being at its lowest on Sundays and the fact that most residents will wish to enjoy their homes and family time at weekends has high potential to materially affect the residential amenity of the occupiers of dwellings near to the site.

Hours of Use

In the previous application, proposed opening hours were 07:00 to 19:00 every day during the summer months. This conflicts with the fact that during the summer months, nearby residents will expect to be able to enjoy their garden / outdoor areas and will also wish to have house windows open for normal ventilation and cooling purposes. Accordingly, any externally created noise will be more invasive and noticeable.

A start time of 07:00 was considered by Environmental Protection to be a sensitive time, when many residents may still wish to sleep. The amended application now suggests a 09:00 start time. However, Environment Protection consider that a 09:00 start time and a 19:00 finish time at weekends is unreasonable.

In the current re-submission, the proposed opening hours during winter months have also been adjusted to a 09:00 start and to a 15:00 finish time. In practice, due to the shorter daylight hours in winter, it is considered that the proposed earlier termination time is 'practical' given the early hours of darkness during both morning and evening and therefore perhaps does not offer much of a concession. Environment Protection reaffirm that a 09:00 start time at weekends is unreasonable.

As proposed, the dog exercise facility will still result in 10 hours per day in the summer months and 6 hours per day in the winter months. These timeframes are considered to be significant durations of potential noise during the majority of daytime hours.

Number of Dogs / Users

Different dogs will respond differently to the dog exercise environment and when meeting other dogs. However, it is generally accepted that a number of dogs together can become boisterous as they play and possibly fight.

This re-submitted application has restricted the number of dogs simultaneously using the site to a maximum of 9. Whilst this is an improvement to the previous proposal, it remains the case that due to the different breeds, size, nature and characteristics of individual dogs it may be the case that one dog alone could be noisy whilst on the site, or conversely all 9 dogs could be noisy. Alternatively, all may be quiet throughout a chosen session.

Consequently, the amount of noise cannot be pre-empted and will always be variable and an unknown factor. In this instance, there is no planning mechanism available to control or mitigate this noise to make the proposal acceptable.

The only method of noise control contained within the application is restricted to an expectation that owners will curb 'excessive' barking from the dogs under their control. In practice, this will be problematical and impossible to enforce. There is no indication on the application that a site manager will be on the site at all times to oversee and manage activities and to control excessive noise.

Noise Mitigation / Attenuation

The proposal to exercise and train dogs is an outdoor use and therefore physical controls (such as buildings) are not available to contain noise. Wharfe Rural Planning have provided a detailed submission in support of the application which includes a number of statements (including in paragraphs 4.5 and 7.31) that existing and proposed trees and hedge planting will physically afford sound mitigation / attenuation to noise from the barking of dogs and noise in general from the site. Environmental Protection Officers have advised that this is an incorrect statement. Hedges and trees do not mitigate noise. Noise can only be effectively mitigated by solid barriers of a calculated mass, height and fabric.

Consequently, it remains the case that noise from the barking of dogs, noise from the behavioural noise of owners (raised voices / chatting / instruction to dogs etc) and vehicular noise from users of the site itself will be outdoors and will not be effectively controlled by the planting of hedgerows or the existence of trees.

Traffic

In terms of traffic noise as cars enter and leave the field after their allocated half hour or one hour session, Environmental Protection are of the opinion that as eight car parking spaces are to be provided and cars arrive / leave every 30 to 60 minutes then this could still potentially result in a significant number of vehicle movements per hour and per day. Whilst this may not result in a highway safety impact (see below), it would generate a level of constant activity that would disturb and adversely impact the amenities of the nearest residential properties.

Amenity Impact Summary

Environmental Protection Officers remain of the opinion that in spite of the proposed amendments to the original application, the Beggarmans Lane site is an inappropriate location for a commercial dog exercise and training field due to the close proximity and potential noise impact on the nearby residents. The proposed use will have high potential to materially affect the residential amenity of the nearest residents to the site. The Environmental Protection Service therefore recommend refusal of the application.

Highways, Parking and Access

Sustainable Travel – Having regard for the low volume of traffic movements expected to be associated with the proposal, there are not sufficient grounds for refusal based on sustainability.

Access – The proposal for access, including visibility splays is acceptable. In the event of approval, a condition is recommended to ensure that the proposed visibility splays are implemented.

Car Parking – The applicant has stated that the maximum number of dogs on-site at any time will be no more than nine, so potentially there could be nine customer cars on site; additionally, one space is required for staff. As revised, ten car parking spaces have been provided within the site to accommodate the maximum expected car parking demand associated with the proposal and all vehicles can safely enter and exit the site in a forward gear. This is acceptable.

Traffic Impact – The commuter peak hour and daily traffic generation associated with the proposal would not have a material impact on the safe operation of the adjacent or wider highway network.

Conclusion – The Head of Strategic Transport has no objection to the planning application.

Trees and Hedgerows

Access into the site from Beggarmans Lane will be via an existing field access gate which will be improved with a finished tarmac surface 10 metres into the site. Provision for a 2.4x 40 metre visibility splay is currently impeded to the west by an existing Hawthorn hedge which will be reduced to a height of 1.05 metres. The impact of this will have a slight adverse visual impact within the immediate locale, opening up views into the site from the properties opposite on Beggarmans Lane. The application does however make provision for a new hedge to be planted behind the visibility splay which will be allowed to grow and replace the existing hedge.

Sandfield Wood located south of the site is identified in the habitat inventory as a priority habitat. Having regard to arboricultural matters, there is nothing in the submission to suggest there will be any significant impact on the woodland from the proposals.

An area of trees to the east of the site adjacent to the Beggarmans Lane frontage is protected by virtue of its inclusion within the Macclesfield Borough Council (Knutsford – Brackenwood, Toft Road) Tree Preservation Order 1988 (Area A2) and abuts the proposed informal area and access into the site. Details provided in the Design and Access Statement propose that these areas of hardstanding will be constructed with a cellular grid system. Such systems are considered acceptable in specific situations to minimise the impact on the rooting environment of trees.

Whilst an Arboricultural Statement and Method Statement have not been submitted in support of the application, given the current compacted nature of soils adjacent to the area of protected trees, the Forestry Officer is satisfied that such construction methods would be appropriate in minimising impact on trees subject to the submission of a detailed construction specification and method statement.

Accordingly, subject to conditions securing appropriate replacement planting and requiring the submission and approval of a detailed Construction Specification / Method Statement prior to

the commencement of the relevant parts of the development, the proposed development would have an acceptable relationship with existing trees and hedgerow.

Nature Conservation

Sandfield Wood

The area of woodland known as Sandfield Wood lies adjacent to the application site along its southern border. The woodland is recorded as priority deciduous woodland on the Priority Habitat Inventory.

As the proposals are to use the application site as a dog walking area, this has the potential to impact the woodland habitat from increased nutrient input from dog fouling. In the event of approval, the Nature Conservation Officer has advised that the applicant should submit a full method statement which sets out the management practices to ensure dog waste is appropriately managed, including details of where it will (and must not) be disposed of.

Subject to a condition securing the appropriate management plan details, the proposed development is considered to have an acceptable relationship with the adjacent priority woodland.

Hedgerow

The application proposes a section of hedgerow loss to facility the required visibility splays at the site's access. The Nature Conservation Officer therefore recommends a condition be attached in the event of approval to restrict the removal of any vegetation during bird nesting season, unless an appropriate survey has been carried out and submitted to the Council for approval prior to removal. Subject to this condition, protected species would be safeguarded.

In the event of approval, the proposed replacement hedgerow planting would be secured via an appropriately worded condition.

Flood Risk & Drainage

The Lead Local Flood Authority (LLFA) have reviewed the proposed development and raise no objections in principle.

The site possesses some low surface water risk (topographic low spots) and there is some additional high surface water risk in close proximity to the site boundary. Due to the scale and nature of the application and modest increase in building footprint, the LLFA do not object in principle subject to any displaced surface water being managed and retained on site, in order to not exacerbate any localised issues. A number of informatives have been recommended to be displayed on the decision notice for the applicant's attention in the event of approval.

Heritage

The proposed development would be located in a field which would be some distance from Sandfield House, a Grade II Listed building. On the basis of the sufficiently distant location, the proposed development (with the retention of hedges) would create a neutral impact on the setting of the listed building.

The Heritage Conservation Officer does note that if the proposal seeks to utilise the fields edged in blue in the future, this may then have an impact on the setting of the listed building.

However, as submitted the proposed development would have a neutral impact on the nearby listed building and would therefore preserve its significance.

Public Rights of Way

The proposed development does not appear to affect a recorded Public Right of Way (PRoW).

Whilst this application does not affect any Definitive Rights of Way; the site is affected by a claimed footpath which has been formally registered under Schedule 14 of the Wildlife and Countryside Act 1981.

The proposed development would obstruct the claimed route. The layout of the dog exercise fields has already been set out on the ground and the claimed route, that had been in use up to the time of the fencing, is now obstructed.

This application has not yet been investigated by the PRoW team and is currently on a waiting list, however if planning permission was granted this would bring this matter forward for immediate attention.

As the proposed development would directly affect the route, the developer should be aware of the potential consequences of this claim being proven and the public footpath shown to exist and factor in the possible impact on this development.

However, at the time of writing there are no reasons for refusal based upon adverse impact on any recorded Public Right of Way.

Other Considerations

Similar Examples

The submitted planning report in support of the application refers to two other examples of where similar dog exercise facilities have been approved in Cheshire East. However, there are fundamental differences between those schemes.

Application reference 20/0596M (Land off Spode Green Lane, Little Bollington) has significant differences to the proposed site at Beggarmans Lane. There were no close residential dwellings to the Little Bollington site and the field in question was surrounded by other agricultural fields which provided a significant separation distance to the limited number of nearest rural dwellings. The access to the field was along a track and only used by the dog business operatives. The general public and their dogs were not able to use the field, but rather the commercial operation was operated by dog handlers collecting dogs from residential homes via a dog bus and taking the dogs to the field and then walking the groups of dogs on the field for a set period of time. The dog handlers were responsible for controlling noise and could choose to not accept a known noisy / troublesome dog. The dog handlers were also responsible for collecting any waste left by the dogs. Dogs were not trained on the field or engaged in excitable activity such as dog agility but were just exercised. In addition, the background noise level was significantly higher; being affected by main arterial highways including the nearby motorway as the dominant 'general background' noise source. Furthermore, when the general background noise fell (distant traffic noise), any significant noise would become more noticeable at weekends and so the hours of use of the dog exercise were restricted by condition to Monday to Friday with no use at weekends.

One other application referred to is 21/5277N. This was subject to a different policy assessment with the proposal being located within the Open Countryside only, and not the Green Belt. This site also had a significantly lower number of nearby dwellinghouses and was located directly adjacent to the A51 which resulted in an existing impact of the noise environment at that location.

The application should be determined on its own merits with consideration given to the particular circumstances of the site, as set out in this report.

Best and Most Versatile (BMV) Agricultural Land

The application site is identified as having an agricultural land classification of Grade 3 (good to moderate quality). Whilst it has not been identified whether the site falls into Grade 3a (good) or 3b (moderate), the proposed use of the site is considered to be reversible. There would be no significant engineering operations or structures which would render the site unusable for agricultural purposes in the future. A refusal on this basis would not be sustained.

Very Special Circumstances

As identified earlier in this report, the proposal would result in an adverse impact on the Green Belt. Additional harm has also been identified in relation to loss of openness and adverse impact on residential amenity. Paragraph 147 of the NPPF states that development that is harmful to the Green Belt should not be approved except in very special circumstances.

‘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.

In this case, the development would generate some employment opportunity through the operation of the Bark Run business. Development which delivers employment and economic benefit is clearly given some positive weight. However, in this case the limited benefit would not outweigh the substantial Green Belt harm or the other harm resulting from the proposal.

Accordingly, it has not been demonstrated that very special circumstances exist to allow the application to be supported.

CONCLUSIONS AND RECOMMENDATION

The application site is in the Green Belt where there are stricter controls on development. In this case, it has not been demonstrated that the proposed development would meet any of the exceptions to inappropriate development in the Green Belt. Substantial weight is given to this harm. Additional harm is also found in relation to the adverse impact the development would have on openness.

The proposed development would also materially impact the residential amenity of the nearest properties to the site, due to the noise and associated increase in traffic movements for significant periods of time throughout each day the site is in operation.

The impacts on highways, heritage, flood risk, public rights of ways, trees and nature conservation efforts are acceptable subject to conditions in the event of approval.

Recommendation: Refuse for the following reason(s)

1. The proposal represents an inappropriate form of development in the Green Belt to which substantial weight is given. Additional harm has also been identified in relation to the impact on openness that the development would result in. Very special circumstances have not been demonstrated to clearly outweigh the identified harm. Accordingly, the proposed development would conflict with Cheshire East Local Plan Strategy policy PG 3 and the provisions of chapter 13 of National Planning Policy Framework.
2. The proposed development would materially affect the residential amenity of the nearest residents to the site. The noise levels and traffic generated by the proposed use as a dog exercise and training facility would not be compatible with the nearest residential properties to the site. Accordingly, the proposed development would conflict with saved Macclesfield Borough Local Plan policies DC3, DC13, DC14 and DC33; Policy SD 1 of the Cheshire East Local Plan Strategy and paragraph 185 of the National Planning Policy Framework.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

