

Application Number 07/2022/00729/FUL

Address Land To The West Of Midge Hall Lane Adjacent Paintball Venue
Midge Hall Lane
Midge Hall
Leyland
Lancashire
PR26 6TN

Applicant Miss Fiona Horton

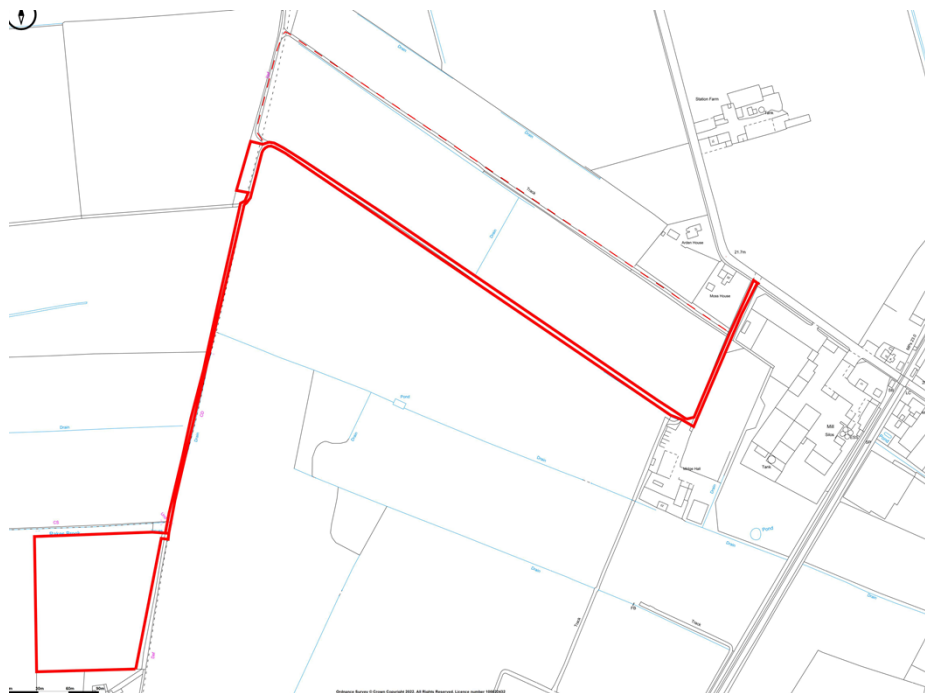
Agent Mr Richard Elliott
Hamill House
112-116 Chorley New Road
112-116 Chorley New Road
Bolton
BL1 4DH

Development The change of use of land from agriculture to the use as a dog exercise field with associated hardstanding, and the installation of 1.9m fencing and gate.

Officer Recommendation **Approval with Conditions**

Date application valid 30.08.2022
Target Determination Date 29.11.2022
Extension of Time N/A

Location Plan



1. Report Summary

1.1 This application relates to part of an agricultural field which is to be divided and fenced off to provide a dog exercise facility. It is located to the west of Midge Hall Lane and accessed off a track which is also used for access to the adjacent paintball facility.

1.2 County Highways initially had issues regarding how the access and parking would work in reality. The agent therefore provided additional details which were considered by County Highways and they advised that the area of hardstanding identified by the agent could be included in the red edge plan, this would alleviate their concerns. This was duly submitted.

1.3 Environmental Health had concerns over the potential impact on residential amenity due to the number of dogs and proposed times. Initially, they recommended a 12 month temporary permission to enable monitoring of the site. However, this would not work for the applicant due to the start up costs. Therefore, Environmental Health now require conditions be imposed to restrict the number of dogs and the hours of use of the facility.

2. Site and Surrounding Area

2.1 The application site comprises a roughly rectangular parcel of land that currently forms part of an agricultural field. The site is accessed via an unadopted road and private single lane tracks off Midge Hall Lane between the western boundary of the car park to Bamford's Mill and Moss House. The site is to the north of the existing paint ball site and part of a larger field, surrounded by other agricultural fields

2.2 Currently the field is enclosed by post and wire fencing and has gated access into it at its north-eastern corner.

2.3 The area is open in character and the nearest dwellings are Moss Farm located approximately 450 metres to the south east, and Pleasant View located approximately 530m to the north west.

2.4 The site is located in an area of Green Belt with a woodland area to the west allocated as a Biological Heritage Site (Much Hoole Moss) in the South Ribble Local Plan.

3. Planning History

3.1 There is no planning history associated with the application site.

4. Proposal

4.1 The application proposes a change of use of part of an agricultural field to a dog exercise area. The application site will be enclosed with 1.9m high deer fencing to be set inside the existing fencing to the north and western boundaries which are currently open.

4.2 An area of hardstanding will be formed for the parking and turning of two cars. A new field gate of 1.9m high by 3.65 will be installed to serve the dog exercise area, sited to the north-eastern corner of the application site. The existing field gate and access will be retained for the remainder of the field.

4.3 A one way system will be used along the access track for ease of access and egress to the site

4.4 It is proposed that the use of the field will be restricted to between the hours of 7am-7pm in the summer, and daylight hours in the winter. No lighting is proposed.

4.5 A booking system will be used to limit bookings to 60 minute slots, including a 5 minute

window to ensure there is no overlap between users of the site. The number of dogs will be limited to eight per session.

4.6 Waste bins will be provided within the site which will be emptied twice weekly or as otherwise required.

5. Summary of Publicity

5.1 Neighbouring properties were notified and a site notice posted with no letters of representation being received.

6. Summary of Consultations

6.1 **County Highways** provide comments based on all the information provided by the applicant to date and after undertaking a site visit. In principle they have no objections over the proposal. However, they do have concerns over the proposed site plan and information in the Planning Statement. The proposed site plan indicates there will be two off street parking spaces available for the site, yet up to eight dogs can use the field within one session. The Planning Statement then advises in peak season the site will operate from 7am till 7pm. With up to eight dogs allowed per session, that is a potential of 96 vehicles visiting the site. County Highways question how the applicant plans to police this or, as indicated in the Planning Statement, police a one-way route, and how will this be enforceable?

6.2 Additionally, the measure of "*including a 5-minute window to ensure there is no overlap between users of the site*" is not feasible or practical.

6.3 As such, County Highways request amended plans which demonstrate a larger parking capacity and more information from the applicant on how they intend to control the volume of traffic to and from the proposed site.

6.4 However, following further details from the agent on an additional area of hardstanding, County Highways confirmed that, if this area was included in the red edge, it would satisfy their concerns. As such the red edge was duly amended to include this area and County Highways were re-consulted. They advised the amended red edge plan shows the hard standing is not adjacent to the proposed site. However, this hard standing will mean vehicles will not park and block Midge Hall Lane. County Highways would expect the applicant to advertise this area of hardstanding for parking in conjunction with the use of the field. The proposed site plan shows the dog field shall have two parking spaces and these parking spaces need to be hard paved before the use commences. As such they require a condition is imposed to ensure this.

6.5 **Environmental Health** advise that it is very difficult to make an objective assessment for this type of development. The proposed number of dogs at any one time; the flat, free-field nature of the area and the early start/late finish times 7 days a week may give rise to dis-amenity at nearby residential properties. Due to these uncertainties, it may be prudent to grant a temporary 12 month permission in which time, the council can assess the development and any impact it has on neighbouring properties.

6.6 This was relayed to the applicant who advised it would not work due to the start-up costs of setting the business. As such, Environmental Health further advised that conditions would need to be imposed to restrict the use to a maximum of 6 dogs and the hours of operation 8-7 Mon – Sat; 10-4 Sundays and Bank Holidays.

7. Policy Background

- **Policy F1: Parking Standards** requires all development proposals to provide car parking and servicing space in accordance with the parking standards adopted by the Council. In general, parking requirements will be kept to the standards as set out unless there are significant road safety or traffic management implications related to the development of the site. The parking standards should be seen as a guide for developers and any variation from these standards should be supported by local evidence in the form of a transport statement. Where appropriate, some flexibility will be factored into the standards in relation to the specific local circumstances
- **Policy G1: Green Belt** has a general presumption against inappropriate development and planning permission will not be given for the construction of new buildings unless there are very special circumstances. However, exceptions to this are buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; 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; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- **Policy G17: Design Criteria for New Development** permits new development, including extensions and free standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; 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 will provide an interesting visual environment which respects the character of the site and local area; the development 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 Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard; the proposal would sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset itself and the surrounding historic environment. Where a proposed development would lead to substantial harm or loss of significance of a designated heritage asset, planning permission will only be granted where it can be demonstrated that the substantial public benefits of the proposal outweigh the harm or loss to the asset; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses. In some circumstances where, on balance, it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

8. Material Considerations

8.1 Green Belt

8.1.1 The application site is within the Green Belt where Local Plan policy G1, in line with the NPPF, has a general presumption against inappropriate development unless there are very special circumstances. However, among the exceptions to this general presumption is the provision of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

8.1.2 Material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The change of use of land to a dog exercise facility is not included in the examples mentioned in paragraph 146 of the NPPF but could be considered to be a change of use for outdoor sport/recreation purposes. Therefore, it is necessary to assess whether the proposals harm the openness of the Green Belt, or conflict with the purposes of including land within it.

8.1.3 A fundamental aim of Green Belt policy is to keep land permanently open. Openness can be considered as meaning an absence of built or urbanising development. The site comprises of a field, part of a larger field, with 1.9m high deer fencing proposed, set inside the existing fencing and to the north and western boundaries which are currently open. This fencing is not solid or close boarded fencing.

8.1.4 The proposal includes minor physical work to the field including the formation of an area of hardstanding for the parking and turning of two cars (an engineering operation), a new gate, waste bins together with the fencing. The engineering operation comprising the creation of the hardstanding area would be modest and would not have any spatial or visual impact on openness. The amount of hardstanding proposed has been kept to the minimum required to provide for parking for up to two vehicles, with turning. The surface material is appropriate for its intended purpose and is consistent with that provided for agricultural use. Given its size, siting and design it would not unduly detract from the character and appearance of the area. It is considered that this minor work would have no effect on openness.

8.1.5 The proposal facility will operate a booking system to limit bookings to 60 minute slots, including a 5 minute window to ensure there is no overlap between users of the site. The number of dogs will be limited to 8 per session. A one-way system will also be used to ensure ease of access and egress to the site. Such comings and goings, and the parking of vehicles, could give rise to some visual impact, which in turn would affect openness. However, it is considered that vehicle movements associated with the proposal would not be dissimilar to the movements associated with the adjacent paint ball facility.

8.1.6 On balance, it is considered that the use of the site for dog exercise purposes would preserve the openness of the Green Belt and therefore comply with Policy G1.

8.2 Access and Parking

8.2.1 The application relates to a site accessed off Midge Hall Lane via a track located between the western boundary of the car park to Bamford's Mill and Moss House, 25 Midge Hall Lane. The track, also a Public Right of Way, Footpath 2, extends to the south, then turns westwards before joining PROW FP 1, running southwards.

8.2.2 County Highways advise that, although they have no objections to the principle of the development, they do have concerns over the proposed site plan and information in the Planning Statement. The proposed site plan indicates there will be two off street parking spaces available for the site, yet up to eight dogs can use the field within one session. The Planning Statement then advises in peak season the site will operate from 7am till 7pm. With up to eight dogs allowed per session, that is a potential of 96 vehicles visiting the site. County Highways question how the applicant plans to police this or, as indicated in the Planning Statement, police a one-way route, and how will this be enforceable?

8.2.3 Additionally, the measure of "*including a 5-minute window to ensure there is no overlap between users of the site*" is not feasible or practical.

8.2.4 As such, County Highways requested amended plans which demonstrate a larger parking capacity and more information from the applicant on how they intend to control the volume of traffic to and from the proposed site.

8.2.5 Additional details were submitted with the agent advising:

“The Highway Officer stated that there would be up to 96 vehicles visiting the site per day. This is incorrect. Based on four vehicle movements per hour (two visiting, then leaving) over 12, 1 hour sessions the maximum number would be 48. I wonder if this would be enough alone to address their concerns.

In any case, vehicle movements would be very low per hour (maximum of four), and there is a very large area of hardstanding just prior to the site where vehicles could wait if they needed to. They could also make use of the field access to be retained immediately adjacent to the proposed access and parking area to the site, which would provide an area to wait off the road. The reality is that there is no need to provide additional parking and turning on site, it is not wanted by the client and not needed by the proposed facility. To do so could actually increase the number of vehicle movements to and from the site, which I presume the highways officer would be keen to avoid.

8.2.6 This information was relayed to County Highways who advised that, if a plan can be submitted with this hard standing area contained within the red edge, this would alleviate the concerns. As such the red edge was duly amended in line with County Highways comments.

8.2.7 County Highways advised the amended red edge plan shows the hard standing is not adjacent to the proposed site. However, this hard standing will mean vehicles will not park and block Midge Hall Lane. County Highways would expect the applicant to advertise this area of hardstanding for parking in conjunction with the use of the field. The proposed site plan shows the dog field shall have two parking spaces and these parking spaces need to be hard paved before the use commences. As such they require a condition is imposed to ensure this.

8.3 Residential Amenity

8.3.1 One residential property, Moss House, is located adjacent the access off Midge Hall Lane and there is one further property, Midge Hall Farm, located approximately 478m to the east of the application site. The area is flat and open agricultural land where noise and disturbance have the potential to travel. However, given the spatial separation distance between the site and the closest residential property, it is unlikely to give rise to nuisance.

8.3.2 Environmental Health have advised that it is very difficult to make an objective assessment for this type of development. The proposed number of dogs at any one time; the flat, free-field nature of the area and the early start/late finish times 7 days a week may give rise to dis-amenity at nearby residential properties. Due to these uncertainties, Environmental Health consider it may be prudent to grant a temporary 12 month permission in which time, the council can assess the development and any impact it has on neighbouring properties.

8.3.3 This suggestion was put to the applicant's agent who advised that the applicant will be investing over £20,000 in start-up costs for this business, including necessary fencing, hardstanding, and website costs. Accordingly, a temporary 12 month 'trial run' would be completely unviable.

8.3.4 In respect of The Council's EH Officer's concerns regarding potential noise impacts that may arise, the agent advises the following:

“the proposed numbers of dogs at any one time”

The proposed number of dogs is a maximum of eight. Given that the proposed vehicle numbers are limited to two, in reality the number of times that eight dogs would be on site at one time would be very few. In any case, there is a common misconception that these such dog exercise areas generate a significant amount of noise. In reality, most dogs do not constantly bark when exercising in such environments. They are engaged in exercise and with their owners.

“the flat, free-field (no acoustic obstructions) nature of the area”

It is acknowledged that the area is relatively flat, and other than the woodland to the south there are no immediate acoustic obstructions surrounding the field. However, the site is far removed from residential properties.

A more detailed assessment of the separation distances between the nearest occupied properties is set out below, with the separation distances to the nearest dwellings measured from the nearest point of the site to those dwellings:

- *Clover Cottage & Briar Cottage and Moss Farm Barn, 637m west of the site. In addition there are intervening features in the form of landscaping and buildings.*
- *Pleasant View, 418m north west of the site. Stone walls, trees and hedges bound the perimeter of this property which sits on the opposite side of Wham Lane from the site.*
- *Willow Croft, 767m to the west/south west of the site separated by trees, hedgerows that make up the field boundaries and perimeter of the property.*
- *Moss House, 763m to the south west. There is a complex of large agricultural buildings separating the residential property from the site.*
- *Dwellings at Moss Farm, 460m to the south west with a large agricultural/commercial building and associated land immediately adjacent and between those dwellings and the site.*
- *23 Midge Hall, 520 metres to the north east. This is screened by mature hedging and has a number of large agricultural/commercial buildings immediately surrounding it.*

The nearest properties therefore range from 418m to 763m away from the site, that's between nearly half a kilometre and three-quarters of a kilometre away at their nearest points. In addition, each has intervening features that would reduce any potential noise impacts from the site. In any case, at those distances any noise would be considerably reduced. Furthermore, as previously stated, the number of dogs would very infrequently be eight at one time.

“the early start/late finish times 7 days a week”

The proposed hours of use are perfectly reasonable for the proposed use, and particularly so given the location of the site away from residential properties as set out above.

8.3.5 The response also made reference to a recently approved application for a similar facility on Royalty Lane. Environmental Health considered these further details and the application for the Royalty Avenue dog exercise field and has advised that conditions would need to be imposed to restrict the use to a maximum of 6 dogs and the hours of operation 8-7 Mon – Sat; 10-4 Sundays and Bank Holidays to safeguard residential amenity.

8.4 Conclusion

8.4.1 For the reasons set out above, it is considered that the proposed change of use to a dog exercise facility is acceptable, providing conditions are imposed to restrict the number of dogs to 6 and the hours of use. Therefore, the application is recommended for approval with the imposition of conditions.

9. Recommendation

9.1 Approval with Conditions.

10. Recommended Conditions

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg SP1 Proposed Site Plan _____
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. The dog exercise field hereby approved shall be restricted to use by not more than 6 dogs at any one time.
REASON: So that the Local Planning Authority can retain control over the impact of the development on residential amenity and/or highway safety in accordance with Policy G17 in the South Ribble Local Plan
4. The use of the dog exercise field and car park hereby approved shall be restricted to the hours of 8am - 7pm Monday to Saturday, and 10am - 4pm on Sundays, Bank or nationally recognised holidays
REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy
5. No use shall commence until the car/vehicle parking area (and any associated turning space) shown on the approved plans has been completed. The parking (and manoeuvring) area(s) shall thereafter always remain available for parking of vehicles associated with the dwelling. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced in bound porous materials, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
REASON: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety.

11. **Relevant Policy**

- G1 Green Belt
- G17 Design Criteria for New Development