
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 10-Jun-2021

Subject: Planning Application 2021/90807 Use of land to rear for dog training and erection of fence Pasture Farm Barn, 8, West View, Scholes, Cleckheaton, BD19 6EE

APPLICANT

A Golden

DATE VALID

01-Mar-2021

TARGET DATE

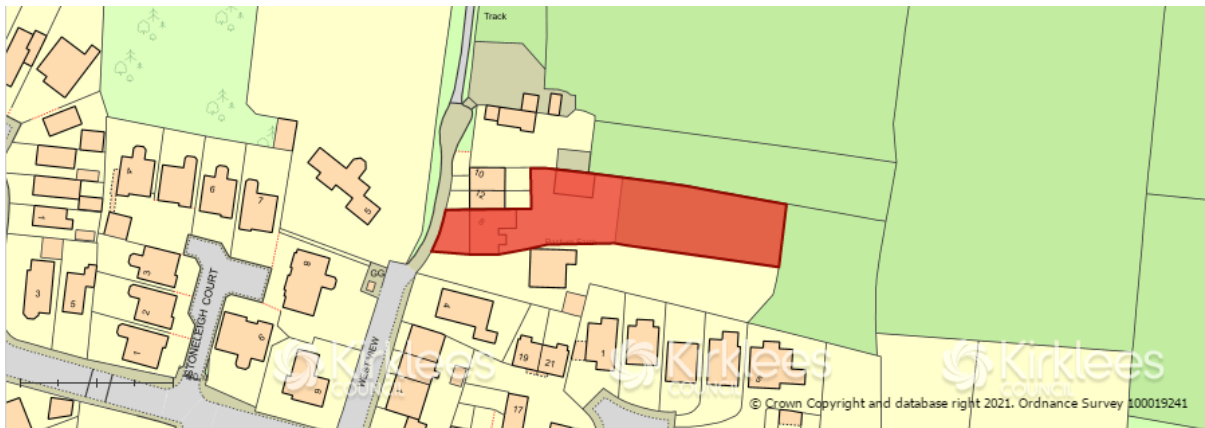
26-Apr-2021

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Cleckheaton Ward

Ward Councillors consulted: No

Public or private: PUBLIC

RECOMMENDATION:

APPROVE

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report

1.0 INTRODUCTION

- 1.1. The application has been called to the Heavy Woollen Sub Committee by Ward Councillor Andrew Pinnock. Cllr Andrew Pinnock requests for this application to be determined at committee based upon the adverse effect that the development will have on the amenity of the neighbouring properties through noise and disturbance.
- 1.2. The Chair agreed to this application being brought to Sub-Committee for determination confirming Cllr Pinnock's reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub-Committees.

2.0 SITE AND SURROUNDINGS

- 2.1. The application relates to a parcel of land set in the Green Belt and to the rear (east) of Pasture Farm Barn, 8 West View, Scholes. As per the application form, the land is currently used as an amenity space associated with the dwelling. It could be debated as to whether the land is domestic curtilage. The land is bound by a more formal garden associated with Pasture Farm Barn to the west, and land/gardens associated with neighbouring dwellings to the north, south and east.
- 2.2. The dwelling of Pasture Farm is set 10m to the south east of the application site, whilst the dwellings addressed as 1, 2, 3, 4 and 5 Tabbs Court are set 20m to the south of the application site.

3.0 DESCRIPTION OF PROPOSAL

- 3.1. The application is seeking permission for the change of use of land to rear of Pasture Farm Barn, 8 West View, Scholes for dog training and erection of fence.
- 3.2. The field is 43m long and 17.5m wide. A 43m long fence will be erected on the south side of the field is the erection of a fence. The fence will have a height of 1.5m and be constructed using wooden stakes with a wire mesh between the pickets. The development does not propose the erection of any other structures, other than the fence.

- 3.3. In terms of operation of the site, the proposal seeks the following:
Operations between 10:00-17:00 Monday to Saturday with no activities on Sundays or Bank Holidays.
The occupant of 8 West View (the dwelling associated with the facility) to operate the training facility.
- The operator states that they will collect dogs and bring them to the site, as well as take them to their address.

4.0 HISTORY OF NEGOTIATIONS

- 4.1. Officers have not deemed any amendments to the proposed scheme are required.

5.0 RELEVANT PLANNING HISTORY

- 5.1. There is no relevant planning history on the application site.

6.0 PLANNING POLICY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 6.2. The site is set within Green Belt land as allocated on the Kirklees Local Plan (2019).
- 6.3. Kirklees Local Plan (KLP):
LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP10 – Supporting the rural economy
LP21 – Highway safety
LP22 – Parking provision
LP24 – Design
LP56 – Facilities for outdoor sport, outdoor recreation and cemeteries
- 6.4. National Planning Policy Framework
Chapter 2 – Achieving sustainable development.
Chapter 12 – Achieving well designed places.
Chapter 13 – Protecting Green Belt land.

7.0 PUBLIC/LOCAL RESPONSE

- 7.1. The application was advertised by neighbour notification letters. Final publicity expired on 7th April 2021. 14 comments were received, all of which were against the proposal. The matters raised in representations received have been summarised below:
- 7.2. Residential Amenity:
- The proposed use will cause harm on neighbouring dwelling due to noise of dogs barking and the trainer shouting commands.
 - Cause a loss of privacy for neighbours.
 - The proposal will cause odour issues detrimental to the amenity of neighbouring dwellings.

- 7.3. Highways Issues:
- The proposal will further exacerbate existing parking issues.
 - The proposal would increase number of vehicles and pedestrians on the highway causing safety concerns.
- 7.4. Visual Amenity Issues:
- The proposal will see hedges and bushes removed to the detriment of visual amenity of the area.
- 7.5. Green Belt issues:
- The proposed use is inappropriate in the Green Belt.
- 7.6. Other Matters:
- The use does not integrate well as it would be adjacent to another small holding used for horses and chickens due to safety and animal wellbeing.
 - Dog waste will cause polluting issues to the land.
 - The existing use is not domestic curtilage.
 - Impact on local wildlife.

8.0 CONSULTATION RESPONSES

- 8.1. Below are the summaries of the responses provided by statutory and non-statutory consultees. The consultation response will be discussed in more detail where relevant in assessment below.

8.2 Statutory

None

8.3 Non-Statutory

KC Environmental Health – object to noise caused by dogs barking and the shouting of commands.

NOTE: Consultation with KC Highways was not required due to the proposal not requiring additional parking provision due to the means of operation.

No other consultations were required or sought.

9.0 MAIN ISSUES

- 9.1. The main issues relating to this application are as follows:
- Principle of development
 - Visual Amenity
 - Residential Amenity
 - Highway Safety
 - Ecology
 - Representations

10.0 ASSESSMENT

Principle of Development

- 10.1. The site is allocated as Green Belt on the Kirklees Local Plan and therefore consideration needs to be given to Chapter 13 of the National Planning Policy Framework. Paragraph 145 of the National Planning Policy Framework indicates that the provision of appropriate facilities for outdoor sport and outdoor recreation could be acceptable in principle so long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. LP56 of the Kirklees Local Plan reiterates this policy, stating that proposals should ensure that the scale of the facility is no more than what is reasonable required for the proper functioning of the enterprise, and the facility is unobtrusively located and designed to not introduce a prominent urban element into the countryside, including any new or improved access and car parking areas.
- 10.2. In this instance, the proposed use for dog training, is considered outdoor recreation. The site will be operated by the occupier of Pasture Farm Barn, whom, bring the dogs to the site as well as returning them to their home. Subject to conditions to enforce these operations as well as a further condition to prevent any spectators visiting the site, the proposed development does not require the improvement of access or provision of any additional parking. The only physical development in relation to the proposed development is a picket and mesh fence which is not considered to be an urban element. Therefore, the proposed use is considered appropriate in the Green Belt as set out by Chapter 13 of the NPPF and Policy LP56 of the Kirklees Local Plan.
- 10.3. Furthermore, the creation of a dog training facility in thus rural setting will help support the rural community as per the aims of LP10 of the KLP.
- 10.4. For the reasons set out above, the principle of development is considered acceptable.

Visual Amenity

- 10.5. LP24 of the KLP states that all proposal must respect the form, scale, layout and details. The change of use of the land itself is not physical development and therefore will not impact on the visual amenity of the area.
- 10.6. The erection of the fence could materially impact on the visual amenity of the site. However, a picket and mesh fence respects to the rural setting. In addition to this, the fence can be erected under permitted development rights and therefore planning permission is not actually required for the fence.
- 10.7. For the reasons above, the proposed development is considered to accord with LP24 of the KLP regarding visual amenity.

Residential Amenity

- 10.8. LP24 of the KLP states that proposal must ensure a good standard of amenity for neighbouring occupiers. Chapter 12 of the NPPF also states this.

- 10.9. Officers acknowledge that the formation of a dog training facility in this location could cause harm to the residential amenity of neighbouring occupiers. However, the applicant is willing to operate in such a way where officers do not believe there is material harm to the amenity of adjacent dwelling.
- 10.10. Officers would impose the following conditions on any permission:
- Operations between 10:00-17:00 Monday to Saturday with no activities on Sundays or Bank Holidays.
 - A maximum of two dogs at any one time at the training facility.
 - The occupant of 8 West View (the dwelling associated with the facility) must operate the arena.
 - A maximum of two dogs at any one time at the training facility.
 - Removal of Permitted Development rights for 28-day temporary events.
- 10.11. Considering the conditions above that are agreed to by the applicant, the scale of the operations would be very small. The restriction of two dogs to be at the training facility at any one time, would not cause any more disturbance than the landowner letting their own dogs play, or train their own dogs in this field in an informal nature all day - which would not need any planning permission. Having two dogs living at dwellings as pets is also a common occurrence, therefore, officers do not foresee how having two dogs at a time training at the site would cause any more material harm through barking than any dwelling that has two pet dogs, despite the comments made by KC Environmental Health.
- 10.12. Furthermore, the waste levels that would be generated by training up to 2 dogs at the site at any one time would not be so much that odours would impact the residential amenity of neighbouring occupiers, particularly when you consider the siting of horses next to the field and the rural setting. Environmental health raised no issues regarding odours.
- 10.13. The operating hours are relatively restrictive in the fact they mean the site will only be operated when background noise levels are relatively high. The prevention of spectators will limit the noise generated by persons being at the site also.
- 10.14. The proposed development would not materially cause a loss of privacy to any neighbouring dwellings. Boundary treatment would protect the amenity of neighbouring dwellings, nevertheless, the proposed use is not one to where the operator is expected to be overlooking any dwellings.
- 10.15. For the reasons set out above, the proposal, in conjunction with the conditions referenced in point 10.10, is not considered to cause any material harm to the residential amenity of any neighbouring dwellings.

Impact on Highway Safety

- 10.16. Pasture View Barn is access via a residential cul-de-sac just where the highway meets an unadopted access track to serve a dwelling to the north. The training facility is to be accessed by the drive for Pasture View Barn

- 10.17. As per the operational function of the site and associated conditions set out in point 10.10; not only will the occupant of Pasture View Barn operate the facility, but they state that they will also collect dogs and bring them to the site, as well as returning them to their address. However, this cannot be conditioned as it fails to comply with the 6 tests for conditions (unenforceable).
- 10.18. Officers note that parking on the road is already a problem, however, given the point above, the proposal does not require the need to provide customer/visitor parking. It is anticipated that an additional space will be required for one extra vehicle given the limited levels of activity at the site. However, there is ample, notably by the outbuilding, for parking provided to the rear of Pasture View Barn to provide parking for an additional vehicle. The proposal therefore would not result in the need for any on street parking.
- 10.19. Whether the dogs are bought to and from the site by the operator of the site, or in a vehicle of the dog owner, the anticipated increased use of the access road would relate to one vehicle at any given time. This is not considered to be such an increase where it can be considered material harm regarding highway safety can arise. On a simplistic level, the owners of Pasture View Barn can enter and exit their home via the road whenever they wish, and as they would be operating the site, with the conditions listed in point 10.10, the proposal cannot be considered to materially increase the volume of traffic.
- 10.20. For the reasons above, the proposal is considered to accord with policies LP21 and LP22 of the KLP regarding highway safety, access, and parking.

Ecology

- 10.21. The field is currently grassed. It does not have a watercourse running through it or have any obvious habitat. It is also bound by existing boundary treatment on all sides and is not part of a habitat network or corridor. Given this, there are not considered to be any ecological impacts.

Representations

- 10.22. The application was advertised by neighbour notification letters. Final publicity expired on 7th April 2021. 14 comments were received, all of which were against the proposal. The matters raised in representations received have been summarised below:
- 10.23. Residential Amenity:
- The proposed use will cause harm on neighbouring dwelling due to noise of dogs barking and the trainer shouting commands.
 - Cause a loss of privacy for neighbours.
 - The proposal will cause odour issues detrimental to the amenity of neighbouring dwellings
- Response:** All these matters have been considered and addressed in points 10.8 - 10.15.

10.24. Highways Issues:

- The proposal will further exacerbate existing parking issues.
- The proposal would increase number of vehicles and pedestrians on the highway causing safety concerns.

Response: All these matters have been considered and addressed in points 10.16 - 10.20

10.25. Visual Amenity Issues:

- The proposal will see hedges and bushes removed to the detriment of visual amenity of the area.

Response: All these matters have been considered and addressed in points 10.5 – 10.7

10.26. Green Belt issues:

- The proposed use is inappropriate in the Green Belt.

Response: All these matters have been considered and addressed in points 10.1 – 10.4

10.27. Other Matters:

- The use does not integrate well as it would be adjacent to another small holding used for horses and chickens due to safety and animal wellbeing.

Response: This point has been noted.

- Dog waste will cause polluting issues to the land.

Response: This point has been addressed in point 10.12.

- The existing use is not domestic curtilage.

Response: This point has been noted.

- Impact on local wildlife.

- **Response:** This point has been addressed in point 10.21.

11.0 CONCLUSION

11.1. To conclude, it is considered that the proposed variations to the application previously approved are acceptable regarding all material considerations. The proposed roof lights and additional windows are acceptable visually in comparison to the architectural standard of the barn.

11.2. The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice.

11.3. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS – Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Standard timeframe for commencement of development - 3 years
2. In accordance with the approved plans.
3. Operations between 10:00-17:00 Monday to Saturday with no activities on Sundays or Bank Holidays.
4. A maximum of two dogs at any one time at the training facility.
5. The occupant of Pasture View Barn, 8, West View must operate the facility.
6. Removal of Permitted Development rights for 28-day temporary events.

Background Papers:

Certificate of Ownership – Certificate A signed: 25/02/2021

[Link to application details:](#)

[Planning application details | Kirklees Council](#)