

Agenda Item 7a

Case Number	23/02828/FUL (Formerly PP-12432099)
Application Type	Full Planning Application
Proposal	Change of use from sui generis (Equestrian) to sui generis (Dog day care)
Location	Land 300M South Of Junction With Whitelow Lane Shorts Lane Sheffield S17 3AH
Date Received	05/09/2023
Team	South
Applicant/Agent	Crowley Associates
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence:

23032-S11-BD-ZZ-DR-A-PL03-P11 - Site Plan - Proposed
23032-S11-BD-ZZ-DR-A-PL05-P11 - Existing and Proposed Site Sections
23032-S11-BD-ZZ-DR-A-PL04-P11 - Existing and Proposed Block Plans
23032-S11-BD-ZZ-DR-A-PL06-P11 - Existing and Proposed Stables Elevations
23032-S11-BD-ZZ-DR-A-PL07-P11 - Existing and Proposed Stables Plans
23032-S11-BD-ZZ-DR-A-PL08-P11 - Tornado Dog Field Fencing
23032-S11-BD-ZZ-DR-A-PL09-P11 - Typical Boundary Section Detail

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. The use of the site for dog day care shall not begin until the proposed new woodland and hedges shown on drawing ref. 23032-S11-BD-ZZ-DR-A-PL03-P11 have been planted in accordance with full planting specifications, including species, stock size and planting densities, which shall have first been submitted to and approved by the Local Planning Authority. The new woodland/hedges shall be managed and maintained for a period of not less than 5 years from the date of planting and any plant failures within that period shall be replaced in accordance with the approved details.

Reason: It is essential that this condition is complied with before the development begins, in the interests of ecological enhancement and also to screen the site and associated fencing from view from the surrounding countryside.

4. The use of the site for dog day care shall not begin until the permeable parking surface shown on drawing ref. 23032-S11-BD-ZZ-DR-A-PL07-P09 has been constructed in accordance with full details of the composition of the surfacing material, which shall have first been submitted to and approved by the Local Planning Authority. No additional hard surfaces shall be formed.

Reason: It is essential that this condition is complied with before the development begins, to ensure that an appropriate surfacing material is used (such as crushed stone) in the interests of the character of the countryside.

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

5. The use of the site for dog day care shall not begin until dog proof fencing and associated gates have been erected in the locations shown on drawing ref. 23032-S11-BD-ZZ-DR-A-PL03-P11, in accordance with the details shown on that plan and the additional details shown on drawings ref. 23032-S11-BD-ZZ-DR-A-PL08-P11 and 23032-S11-BD-ZZ-DR-A-PL09-P11. The fencing and gates shall thereafter be retained in a condition where they are effective in preventing dogs from escaping the site whilst ever the dog day care use subsists.

Reason: It is essential that this condition is complied with before the development begins, to ensure that dogs are appropriately contained within the site in the interests of ecological protection.

6. The use of the site for dog day care shall not begin until 1 x Vivara Pro Barcelona WoodStone Open Nest Box and 2 x Vivara Pro WoodStone House Martin Nest have been mounted externally onto the gables of the stables building within the site. The nest boxes shall thereafter be retained and maintained whilst ever the use subsists.

Reason: It is essential that this condition is complied with before the development begins, to compensate for the loss of bird nesting habitat.

Other Compliance Conditions

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 2, Class A, or any Order revoking or re-enacting that Order, no fence, wall or other means of enclosure other than the new fencing and gates referred to in condition 4 above, shall be constructed or erected without prior planning permission being obtained from the Local Planning Authority.

Reason: To protect the openness of the green belt and the character of the countryside.

8. The existing lighting as detailed on the Simple Lighting Plan v1, 30.4.24 shall be maintained in accordance with the details contained within that document. No new lighting shall be installed at the site without the prior written approval of the Local Planning Authority.

Reason: To protect amenity, dark skies and the character of the countryside.

9. The dog day care use hereby approved shall only be undertaken in accordance with the submitted Management Plan version 1.4 as published on 05 September 2024.

Reason: To ensure that the use operates at the intensity applied for in the interests of amenity.

10. The use hereby approved shall not take place other than between the hours of 08:00 to 17:00 on Mondays to Fridays and the hours of 09:00 to 17:00 on Saturdays. The use hereby approved shall not take place on Sundays or Bank or Public Holidays.

Reason: In the interest of amenity and to prevent disturbance to nearby residents at anti-social times.

11. No more than 22 dogs shall be within the site at any one time.

Reason: In the interest of amenity and to minimise the risk of disturbance to nearby residents.

12. No enrichment, agility or exercise equipment or apparatus associated with the dog day care use hereby approved shall be placed within the site to which this notice relates other than such objects which accord with the submitted Design Code, dated 30.4.24, Version: 1.

Reason: To protect the openness of the green belt and the character of the countryside.

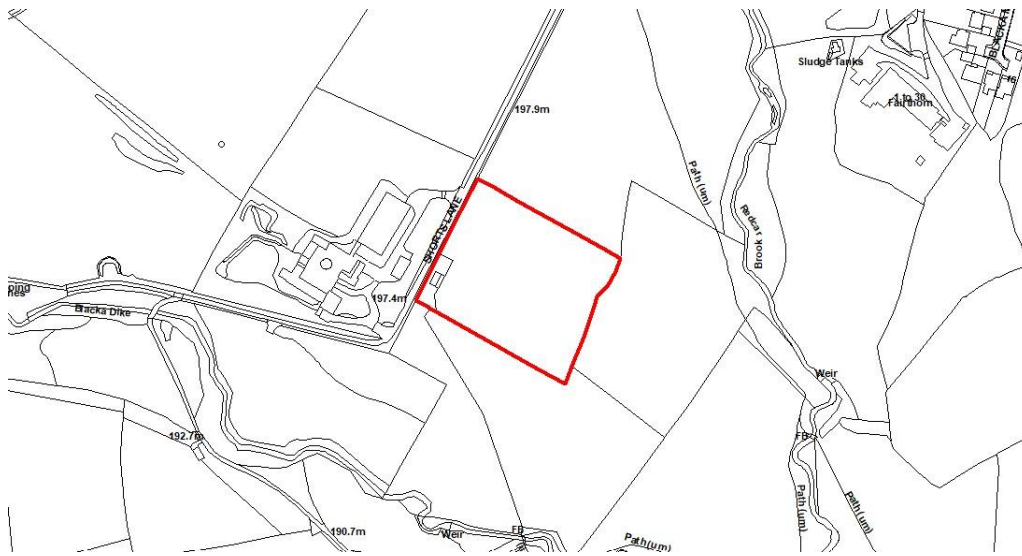
13. As indicated on the approved plans all trees and hedges shall be retained and no tree or hedge shall be removed without the prior written approval of the Local Planning Authority.

Reason: In the interests of ecology and biodiversity and the character of the landscape.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

Site Location



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LOCATION AND PROPOSAL

The application site is a circa 1 hectare (ha) field parcel to the south-east of Shorts Lane, within the countryside to the west of Dore. It is just within Sheffield's Local Planning Authority boundary, with the Peak District National Park immediately abutting the site to the west and wrapping around it a few metres from the southern boundary. The edge of the village of Dore is located approximately 400 metres (m) to the east.

The site itself is characteristic of the surrounding landscape, which is designated as an Area of High Landscape Value and described as 'upland rolling slopes and valleys' in the Sheffield Landscape Character Assessment. The site forms part of an undulating valley side which falls eastwards towards Redcar Brook around 100m to the east of the site, and southwards towards Blacka Dike around 150m south of the site.

The edge of Dore is on the facing valley side. Field boundaries in the area, including around the application site, are defined by dry stone walling up to around 1m tall and in varying condition, with post and wire fences of a similar height sitting inside this. There are sporadic trees and shrubs along field boundaries as well as some more dense areas of vegetation, including a fairly well-established band extending along part of the site's western, Shorts Lane, boundary.

The most recent use of the site was equestrian, at a relatively low intensity (no menage), and it is understood that this use ceased recently. Access is gained from Shorts Lane via a field gate in the western corner of the field onto an area of informal hardstanding which is largely grassed over. A small timber building containing three stables is sited within the field, sitting around 3.5m from the Shorts Lane boundary of the site with the stable doors facing south-east into the field. The block itself measures around 10.5m by 4m, with a pitched roof measuring 2.4m to the eaves and 3.6m to the ridge.

This roof overhangs around 1m on the south-eastern elevation to provide a small, covered area in front of the stable doors, and a concrete pad extends around 3m in depth along the full width of the building. Another area of informal hard standing, which is again almost wholly grassed over, is located to the north-east of the stable block, and there is currently a horse box and bowser tank located here. The existing built development and hard surfacing sit discreetly within the landscape, with the stable building well weathered and nestled in the tree line.

Immediately across Shorts Lane to the north-west of the site is a residential dwelling, with the house itself set around 70m from the road, amenity space extending in front, and a courtyard enclosed by outbuildings to the rear (with the premises known as Far Nova). A large, raised horse menage and adjacent timber clad building and parking area has recently been constructed to the north-east of the main house opposite Shorts Lane. This adjacent plot of land falls within the Peak District National Park, with the Local Planning Authority Boundary ending at Shorts Lane.

Blackamoor rises to the south and west, forming part of the moorland habitats within the National Park that are designated as a Site of Special Scientific Interest (SSSI), a

Special Protection Area (SPA), and a Special Area of Conservation (SAC). The application site falls within the impact risk zone for the SSSI designation, being around 150m away at the closest point. Redcar Brook and Blacka Dike form part of a Local Wildlife Site (LWS) designation that covers the network of small water courses in the area.

There are a number of Public Rights of Way (PRoWs) around the application site which form part of the network of routes between Dore and Topley, around the surrounding countryside and onto the moorland beyond. The closest is footpath SHE/40, which meets Shorts Lane just south of the site access and runs to the south (with the National Park beginning to the west of the footpath). Shorts Lane itself becomes byway SHE/151 just beyond the site's access point and provides access to Blackamoor. Footpath SHE/39 intersects the neighbouring field to the north of the site and runs along Redcar Brook to the east.

It is proposed to change the use of the land and stables from equestrian to dog day care. Neither of these uses fall within a specific Use Class so both are considered sui generis, i.e. *a use of its own kind not falling within a general use class*, and planning permission is required to change from the one sui generis use to the other.

The dog day care operation would involve three members of staff caring for up to 22 dogs, and the hours of operation sought are between 08:00 and 17:00 Monday to Friday, and 09:00 and 17:00 on Saturdays, with no working on Sundays or Bank Holidays. Dogs would be collected by the applicant and their staff in groups of 6-8 and brought to the site in the morning, and then returned to their owners by the applicant and their staff at the end of the day.

The existing hardstanding area in the western corner of the field, closest to the access point, is proposed to be used to park the applicant's three vans. This element of the proposal has been subject to amendments during the determination of this application. It was initially proposed as a levelled hard surface with formal parking bay and access route markings, but this has since been omitted in favour of resurfacing it with sandstone chippings. The informal hardstanding on the other side of the stable building would be retained.

New boundary treatments would be constructed as part of the dog field development but the applicant is not applying for planning permission for these elements of the development, as Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows the erection of fencing up to 2 metres in height on land which is not adjacent to a highway used by vehicles. Therefore, the proposed boundary treatments (all of which would not exceed 2 metres in height and do not lie immediately adjacent to Shorts Lane) can be constructed under Permitted Development rights irrespective of the outcome of this application (as confirmed through Lawful Development Certificate application ref. 24/00111/LDC).

The applicant has indicated that the fencing which will be erected under these Permitted Development rights will primarily comprise 'Tornado dog field fencing' (1.8m fine steel mesh between 2m tall wooden posts at 4.5m intervals) around the perimeter of the field. This form of fencing essentially resembles deer proof fencing

and is not untypical of a countryside setting. The fencing will also compartmentalise the parking area adjacent to the Shorts Lane access, with 4 gates provided to access the dog field, the stables area, Shorts Lane and the adjoining field to the south-west (with the Shorts Lane access providing a shared access point for both fields). The existing field gate on Shorts Lane will also be retained. With this arrangement the applicant will be able to open the Shorts Lane gates, drive a dog transport van into the parking area, close the Shorts Lane gates and then open the gate onto the dog field, thereby maintaining containment of the dogs at all times.

Other than re-stoning the parking area and providing the new fencing and gates no operational development or new structures are proposed as part of this application. The shell of the stable block and its concrete pad would be retained and re-used as-is other than a proposal to mount an Electric Vehicle Charging Point (to recharge the applicant's vans) on the south-western gable end of the building and also the installation of habitat boxes as per the applicant's ecological report.

There would be internal changes to the stable block to provide an accessible WC and a 'combined dog welfare/multiuse space', but these internal changes would not be development under the Town and Country Planning Act 1990 (as amended). The applicant has confirmed that no new lighting would be installed as part of the development, and has submitted a scheme confirming the existing lighting, which would be maintained. This lighting comprises 3 ceiling mounted lights beneath the canopy and a floodlight linked to a PIR sensor on the south-western gable end.

All existing trees and shrubs are proposed to be retained. This includes a row of mature trees arranged along the site's north-western boundary, parallel with Shorts Lane, as well as several other mature and semi-mature trees located sporadically along the site boundaries. To supplement these existing trees the applicant proposes to form new hedgerows along all site boundaries within the line of the existing dry-stone wall but outside of the new dog proof fencing (effectively screening the new fencing from view from the outside - once the hedging matures and subject to seasonal variation) as well as planting a deeper block of woodland within the north-western part of the site (inside of the dog proof fencing line).

The planning application submission includes a document showing an additional three areas of potential native woodland planting, comprising the field's south-eastern corner as well as blocks of planting to the south-west of footpath SHE/40 (within the National Park) to extend the existing woodland south of the site. However, it is understood that this additional planting is being funded by a Woodlands Creation Grant, which is already in place, and is only available to applicants where the creation of the woodland is not tied (in any way) to a planning consent. The applicant has therefore not committed to this additional planting as part of this planning application and its delivery cannot be guaranteed, although there is no reason to doubt the applicant's intention to carry out this additional woodland creation planting subject to the grant funding remaining available.

RELEVANT PLANNING HISTORY

92/1398P - Erection of a field shelter: considered permitted development 4 November 1992.

01/00954/FUL - Erection of a stable block: granted conditionally 21 May 2001

23/03598/LD2 - Application for Lawful Development Certificate for the erection of gates and fencing (Application under Section 192) – Refused 08 January 2024

24/00111/LD2 - Application for Lawful Development Certificate for repair/replacement of a section of stone boundary wall and erection of fencing with (sliding) gate (Application under Section 192) - Approved 07 March 2024

With regards to the above two certificate of lawfulness applications, it should be noted that the original application was refused as some of the new fencing and gates shown on the submitted plans were above 1 metre in height and adjacent to Shorts Lane (with Permitted Development rights only allowing new fencing up to 1 metre in height adjacent to highways used by vehicular traffic). The revised application removed the offending fencing/ gates, with all proposed new fencing and gates set at least 3 metres from the Shorts Lane site boundary and not exceeding 2 metres in height. The revised certificate of lawfulness application was therefore approved, confirming that the proposed new fencing and gates (as amended) fall within Permitted Development rights and can lawfully be erected without express planning permission whatever the outcome of this application.

REPRESENTATIONS

This planning application was publicised by way of site notice and four neighbour notification letters. It has generated a significant amount of interest, and at the time of writing 199 representations have been received: 100 in objection, 98 in support, and 1 neutral. The consultation process took place before the applicant omitted the parking area and fencing from the proposal.

There were delays in sending the neighbour notification letter to the nearest residential property, across Shorts Lane to the west, due to administrative software not picking up a postal address for the site; this was rectified in good time and a representation was later received from this address.

The large majority of the letters of objection are from residents with addresses local to the application site in Dore, and raise the follow issues:

- The development would impact of the openness of Green Belt.
- The development lacks very special circumstances to justify Green Belt development.
- The development would be out of character and appearance of the rural landscape.
- The development would impact on biodiversity including nearby designated sites and this has not been adequately assessed.
- A rural setting is not suitable for the development.
- Noise from the site would impact on residential amenity, peace and tranquillity, including nearby retirement dwellings.
- The site is not suitable for this use.
- The development would set a bad precedent for area.

- The landscaping is not suitable in terms of mix, time to mature and likely success.
- The development would impact on agricultural activity nearby.
- The development does not comply with the Dore Neighbourhood Plan.
- The noise report's methodology, and proposed mitigation through selective choice of dog, is not suitable or adequate.
- The development would impact on the PRoW network.
- The development would impact on highway safety.
- The development would result in light pollution and impact on dark skies.
- The dog fencing would not stop intervisibility between dogs and stimuli.
- There is a lack of details about waste collection.
- The staff facilities are poor.
- The application could open the door to further development at the site.
- The development has the potential to generate complaints and increase the strain on environmental health resources within the Council.

Non-material planning matters raised in objection have not been listed above as they are not relevant to the determination of the planning application. These matters include the impact on other dog walking jobs, more dogs being off the lead nearby, perceived lack of demand, non-local support, adequacy of dog-staff ratio, not a local business, and value of property.

The large majority of the supportive letters include reference to being a customer of the applicant, with addresses across Sheffield and in some cases outside of the city. The material planning matters raised within supportive comments (and the positive aspects of the neutral representation) are:

- The development would benefit the local community.
- The development represents investment into business growth in Sheffield.
- The development would generate employment.
- This is an appropriate setting for the development.
- The development would enhance the surroundings.
- The development would meet a need to facilitate people with dogs going to work.
- The development would make use of underused land and an existing structure.
- The development would result in little change to the area.
- There is already dog barking noise in area.
- The use won't be noisy.
- There is already lighting in the area.
- This is an environmentally sympathetic proposal including woodland, wildflowers, and electric vehicles.
- The mitigation would alleviate any biodiversity issues.
- Existing and recent development already detracts from the area.

Non-material planning matters raised in support relate to operation and success of the applicant's other facilities, and the impacts of the construction of nearby development.

Sheffield and Rotherham Wildlife Trust have made comments on the application which largely focus on concerns about dogs being off the lead on the Blackamoor nature reserve, which is not a material planning consideration, and highlighted the proximity of the site to Blackamoor suggesting Natural England are consulted. The application site spans two different 'bands' of impact zone around the Blackamoor ecological designation which have different Natural England consultation requirements, with roughly equal parts of the site in each band.

Certain projects that may impact upon a protected habitat such as Blackamoor require a particular form of assessment to confirm the project's acceptability (or otherwise), and this is referred to as a Habitats Regulations Assessment (HRA). The applicant has undertaken a 'shadow' HRA screening assessment and submitted this as part of the application. This document essentially assesses that the impact of the development, in terms of up to 22 dogs in groups of 6-8 being walked on the protected moorland up to twice per day, is a small increase relative to the baseline.

The report also confirms that the applicant has committed to adhering to the legislative requirement that any person walking with a dog on Access Land between 1st March and 31st July must keep the dog on a short lead.

Given these factors the report assesses that no likely significant effects on the integrity and conservation aims of the European Site are predicted to result from the dog day care project, either alone or in combination with other schemes or plans. In relation to eutrophication (undesirable environmental nutrient enrichment) from dog faeces specifically the report points out that the management plan for Blacka Moor details that although "dog waste is an occasional problem on the paths immediately adjacent to the site entrance...the majority of dogwalkers are considerate and clean up after their pets" and that the applicant is committed to collect and dispose of dog waste responsibly and also concludes that no likely significant effects on the integrity and conservation aims of the European Site, or the habitats in the component SSSI, are predicted in relation to dog waste impacts.

Officers agree with this conclusion in terms of there being no realistic prospect of the amount of additional dog walking on the moor/ SPA generated by the proposed dog day care use having a significant degrading impact upon the habitats for which the moorland is protected. Natural England have been consulted to establish their view on this matter and have confirmed that *'Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.'*

The Peak District National Park Authority (PDNPA) have objected to the proposal due to its impact on the setting of the National Park and its special qualities, including tranquillity of the landscape, its pastoral characters, natural beauty, and the dark skies it enjoys. Following the removal of the fencing and gates from this application, the PDNPA were reconsulted and maintained their objection. Impact upon the National Park is considered in the report below and found to be acceptable.

PLANNING ASSESSMENT

Planning Policy Context

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The key goal of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making and directs that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Paragraph 225 of the NPPF explains that policies should not be considered as out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework, i.e. the closer a development plan policy is to the policies in the Framework, the greater the weight that may be given.

The assessment of this development proposal needs to be considered in light of paragraph 11 d) of the NPPF, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or
- ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

Footnote 7 provides further details in relation to paragraph 11 d) i) with respect to areas or assets of particular importance, which includes the Green Belt and National Parks. This means that, where a development would conflict with Green Belt development policies, the presumption in favour of sustainable development does not apply.

Paragraph 48 of the NPPF invites local planning authorities to give weight to relevant policies in emerging plans based on their stages of preparation, any unresolved objections, and their degree of consistency with the policies in the framework.

Principle of the Development and Green Belt Impact

Policy GE1 details that in the Green Belt, development will not be permitted except in very special circumstances, where it would: a) lead to the growth of the built up area; or b) contribute towards the merging of existing settlements or c) lead to encroachment of urban development into the countryside or d) compromise urban regeneration.

Policy GE2 Protection and Improvement of the Green Belt Landscape, seeks to: a) maintain and enhance those areas with generally high landscape value, b) improve poor landscapes in priority areas (listed in UDP policy BE4)

Policy GE3 states that in the Green Belt, the construction of new buildings will not be permitted except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses which comply with policy GE1.

Policy GE4 seeks to ensure that the scale and character of any development which is permitted in the Green Belt, or would be conspicuous from it, should be in keeping with the area, and wherever possible conserve and enhance the landscape and natural environment.

A recent appeal decision (APP/J4423/W/20/3262600) concluded that policies GE1 and GE3 were out of date owing to their lack of compliance with the NPPF and afforded limited weight to them. The NPPF policies on development in the Green Belt are therefore the appropriate policies to assess development against, alongside policies GE2 and GE4.

NPPF paragraph 142 states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 sets out the 5 purposes the Green Belt serves:

- a) To check the un-restricted sprawl of large built-up areas;
- b) To prevent neighbouring towns from merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 requires that substantial weight is given to any harm to the Green Belt. '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.

The draft local plan carries limited weight at present, however policies in the emerging plan which relate to the City's Green Belt are consistent with the NPPF, and do not introduce any additional considerations which are relevant to this site. As such, the compliance with the NPPF policies remains the appropriate mechanism to assess the principle of the development.

In respect of the change of use of the stable block, paragraph 155 of the NPPF does not regard the re-use of buildings in the Green Belt as inappropriate, provided they are of permanent and substantial construction. In this case, the stable block is of permanent and substantial construction therefore there is no in principle objection to

its re-use. It is noted, however, that, in the context of the proposed development, its reuse is ancillary to the dog day care use of the wider site.

In respect of the change of use of the land from equestrian to dog day care, paragraph 155 of the Framework details that a 'material change in the use of land' is not inappropriate in the Green Belt provided the proposed use preserves its openness and does not conflict with the purposes of the Green Belt.

The valley side between Shorts Lane, Blacka Dike and Redcar Brook is fairly open, in both spatial and visual terms, due to the low-level boundary treatments, sporadic trees and shrubs and minimal built development. The existing stable block in the application site field is sited in front of the more established trees and shrubs along the site's north-western boundary, and its timber exterior is well weathered, therefore it does not read as prominent feature in the landscape.

The existing equestrian use is in-keeping with the rural setting of the application site, and as such the land continues to serve the purpose of the Green Belt designation in that it does not represent urban encroachment into the countryside. The area is quiet, tranquil, and retains a strong countryside character, with users of the PRoW network moving through the landscape regularly. Given its proximity to the edge of the city, and views across the valley, it is considered sensitive to encroachment.

As described in the first section of this report, the project to convert the existing equestrian field to dog day care use would not involve any operational development other than the installation of dog proof fencing and associated gates. This dog proof fencing however does not require express planning permission, being Permitted Development. Regardless, the fencing essentially resembles typical agricultural wire mesh fencing, other than being slightly higher than is typical and would be well screened by the proposed new hedging. As such it is not considered that the fencing or gates would materially harm the openness of the Green Belt or the character of the countryside.

Therefore, the only factor associated with the development which has the potential to materially harm the openness of the Green Belt and the purposes of allocating land as Green Belt is the use itself, in terms of the additional activity on the land associated with the day care of dogs. This use is not entirely dissimilar from the previous equestrian use of the land, in that it involves the keeping of animals on the land; however the type of animal is different (dogs rather than horses) and the intensity of the use is greater, with potentially 22 animals on the land rather than the approximately 3 horses previously kept on the land (based on the number of stable bays).

Although the intensity of the use will be greater than the previous equine use, in terms of both the number of animals on the land, the number of staff on the land, the duration they will be on the land and the amount of vehicles/ comings and goings, it is still not considered that the proposed dog day care use would be a particularly intensive or impactful use. This is because of the scale of the use and the restrictions and controls which are proposed on the way the use will operate.

The applicant has agreed to planning conditions which would restrict the number of dogs to 22 and the hours of operation to daytime (08:00 to 17:00 Monday to Friday and 09:00 to 17:00 Saturday). The applicant has also submitted a Management Plan and Design Code which would restrict the way in which the site would operate and the type/ design of the enrichment objects which would be placed on the site (also to be conditioned). The Management Plan confirms that dogs will be brought to and from the site by the applicant and his employees in vans and will be supervised by trained staff whilst at the site. The dogs will be walked before they are brought to the site and then supervised within the site on a maximum ratio of 10 dogs to 1 member of staff.

Enrichment will be provided through scent games, natural obstacle courses, etc and action will be taken to resolve any persistent barking issues. The Design Code confirms that the items placed upon the field and used for enrichment will be designed to resemble objects typically found in the countryside including hay bales, tractor tyres and wooden jumps, ramps and arches, as well as stone troughs. The parking area is designed to accommodate a maximum of 3 van sized vehicles, and it will not be significantly extended from what is presently there, just re-surfaced.

Overall, and subject to planning conditions restricting the number of dogs to 22, the use of the site to daytime Monday-Saturday, the operation of the site in line with the Management Plan and enrichment objects to accord with the Design Code, it is not considered that the proposed dog day care use would be an excessively intensive use or one which would materially harm the openness of the Green Belt or conflict with the purposes of allocating land as Green Belt. Although the use would be different to an equestrian use it is not considered that it would be significantly more urban/ urbanising in character, indeed in some ways it may be considered less so, for example in terms of the impacts of large horse menages such as can be seen on the opposite side of Shorts Lane on the openness of the Green Belt and character of the countryside.

Subject to the restrictions proposed by the applicant, and considering the nature of the proposed use and lack of associated operational development, it is considered unlikely, that an average occupant of surrounding land or passer-by would find the dog day care site, as proposed, to particularly stand out from the surrounding fields or to disturb their quiet enjoyment of the countryside. Consequently, it is considered that the proposed use is appropriate development within the Green Belt, falling within the definition of an appropriate change of use as listed at paragraph 155 of the NPPF and is therefore acceptable in principle.

Design, Character and Impact on Area of High Landscape Value and the Peak District National Park

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development should respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

Specifically relating to the impact on the Area of High Landscape Value (AHLV) and Peak District National Park (PDNP), policy GE8 states that in AHLVs, protection and

enhancement of the landscape will be the overriding consideration and that development will only be permitted in AHLVs, or sites conspicuous from the PDNP, which would protect and wherever appropriate enhance the appearance and character.

Similarly, Dore Neighbourhood Plan Policy 2 requires development to respect the setting of the Peak District National Park.

Paragraph 135 seeks to ensure that developments add to the overall quality of an area, are visually attractive and sympathetic to local character, including landscaping setting.

Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Paragraph 182 affords great weight to the conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. It goes on to direct that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The aims of the local and national policies closely align, and substantial weight can therefore be attributed to these.

In addition to planning policies, Sheffield City Council, in exercising or performing any functions in relation to, or so as to affect, land in a National Park, has a legal duty under Section 62 of the Environment Act (1995) to have regard to the purposes for which National Parks are designated, which are:

- (a) conserving and enhancing the natural beauty, wildlife and cultural heritage; and
- (b) promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

Where there is conflict between the two purposes, greater weight is attached to conservation and enhancement. The eight 'special qualities' of the Peak District National Park are outlined in the National Park Management Plan, and include:

- Beautiful views created by contrasting landscapes and dramatic geology
- Undeveloped places of tranquillity and dark night skies within reach of millions

The landscape around the application site retains a strong pastoral character, despite its proximity to the edge of the City, and has a sense of tranquillity that is derived from the low levels of background noise, lack of through roads in the vicinity, and low level of static activity in the landscape, although there is intermittent transient activity associated with users of the PRow network. The existing sporadic trees and shrubs along the boundaries of the application site, and the denser band along Shorts Lane, are typical of the surrounding area and contribute to the character of the landscape.

The pastoral landscape forms an important buffer between undeveloped areas of the National Park, i.e. the nearby Blackamoor, and the urban area of Sheffield. It is understood to be an area that does not suffer from significant light pollution, and the lighting associated with the dwelling across Shorts Lane is controlled by a condition which required the PDNPA to approve its lighting scheme.

The level of interest in this application, and number of objections which raise concerns about the impact of the proposed development on the landscape and PRow network, is taken to demonstrate that this is a highly valued area by local residents. Owing to its proximity to the edge of the city, and the role it plays as a route between the City and the National Park, it is also understood to have a high recreational value for PRow users.

Whilst the application site is not in agricultural use at present, its low intensity equestrian use is compatible with its rural setting and does not harm the pastoral character of the landscape, the Area of High Landscape Value or the setting of the National Park.

The Peak District National Park Authority has objected to the development owing to its impact on it's the National Park's special qualities. However, Officers note that the proposed dog day care use involves very limited physical changes to the site, other than fencing and gates which can be erected under Permitted Development rights irrespective of the outcome of the application and, in any event, are agricultural in character and would be well screened by proposed additional hedge planting.

Further, no new lighting is proposed as part of the application and any objects placed upon the land for enrichment would have to abide by a Design Code which restricts such items to agricultural/ natural type objects. Therefore, physically, the site will not have a significantly different landscape and visual impact under the proposed dog day care use than it currently does under its established equine use.

The dog day care use itself will result in a change to the appearance and character of the land during the daytime period when the use operates. However, Officers consider that this change would be unlikely to be significant or materially detrimental. The changes which will be capable of being observed will be the sight of 22 dogs recreating on the land during the daytime (Monday to Saturday) as well as up to 3 vans being parked on the stoned hardstanding adjacent to the stables. However, the majority of views of the site are from a distance or screened by existing and proposed new boundary treatments and planting and it is considered unlikely that these visual changes will be prominent or noteworthy to most observers.

In terms of disruption to tranquillity, the application submission clearly indicates that the dog day care use will operate in a manner which will minimise the risk of dogs behaving in a disruptive manner. It is considered that the risk of persistent barking associated with a dog day care use of this type, with relatively high supervision ratios and clear management and prevention procedures in place, is low. It is further considered that, notwithstanding the additional parking and the presence of dogs and staff on the land during the proposed daytime operational period, the appearance and character of the land will not change to the extent that the proposed dog field will be an obtrusive or conflictive presence within the surrounding tranquil,

pastoral landscape.

For these reasons, it is considered that the development would not have a harmful effect on the landscape, which is afforded the designation Area of High Landscape Value and forms part of the setting of the National Park and would not have an unacceptable landscape and visual impact, and therefore would be consistent with the related policies, as set out at the beginning of this section.

Residential Amenity

Policy GE24 is only supportive of development which would not cause noise nuisance. Paragraph 135 of the NPPF seeks to ensure high standards of amenity. Paragraph 191 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

The applicant has submitted a noise report in support of the application. The report assesses the difference between background noise levels without the dog day care use in operation and noise levels recorded during a 4-hour trial of dog day care at the site. The assessment found that the highest noise levels recorded during the trial period were higher than the highest background noise levels outside of this period, but these generally related to single bark or a few barks over a few seconds. The acoustic consultant noted that, in the majority of cases, when dog walkers, walkers, cyclists, runners and cars were passing the dogs did not bark even with no screening in place and that there were long periods with no barking. The acoustic report concludes that:

The subjective impression during the test day was that there was very little noise from the use of the field. The test was carried out in the manner in which the field would be used should the consent be granted. The difference was that the mitigation was not in place which would further reduce noise levels.

For the majority of the time the dogs either followed the staff around enjoying recreation in the field or relaxed in the stables and they did not bark for any sustained periods ... for the majority of the test the dogs were not triggered to bark by events off site even with no screening in place.

A similar and at times higher level and frequency of barking can occur off-site closer to residential properties. It is unlikely that local residents would notice a significant increase in noise levels or change in the noise climate of the area due to the proposed use of the site.

Mitigation is proposed in the form of fencing and planting which will provide additional attenuation and will prevent dogs in the field seeing other dogs and people passing by. Even without the mitigation in place the noise impact was very low, and the mitigation will reduce that further.

The Council's Environmental Protection Service have raised some concerns in relation to the proposed use. Their position is essentially that 'dogs bark' and that the

noise of dogs barking can carry for a considerable distance. Environmental Protection question the reliability of the submitted noise report on the grounds that there is no recognised standard for assessing noise from dog day care facilities and that the trial period of use may not be completely representative of actual use of the site. Additionally, local residents have raised concerns in relation to the use generating a level of dog barking noise which will disturb the tranquillity of the area and the amenities of nearby residents.

The limitations of noise reports are accepted. However, in this case, Officers consider that the applicant has gone as far as they can reasonably go to demonstrate that the proposed use will not generate an unacceptable level of noise disturbance. A trial day was undertaken involving 20 dogs being brought to the site in batches, remaining on the site for several hours and then removed from the site in batches and, although it cannot be guaranteed that this trial is fully representative of every permutation which is possible under the proposed use, in terms of the type and temperament of dogs on the land, the submitted Management Plan provides reassurance that the site will be operated in a robust and consistent manner.

Sound readings were taken during the trial period which show that noise levels are not significantly different with the use in place to those monitored without the use in place. Furthermore, the observations of the acoustic consultant indicate that the proposed use is unlikely to generate sustained and persistent barking. Indeed, the Management Plan puts in place provisions to deal with any such situations and preventative measures to reduce the risk of this occurring in the first place.

The nature of the use means that dogs will be brought to the site after having already been well exercised and will be further entertained and supervised on the site, such that they are unlikely to be in an agitated or excessively excited state. Therefore, notwithstanding the potential for occasional barking, it is considered highly unlikely that the use would generate sustained and obtrusive barking, such as would be typical of a kennels type use where dogs are penned in and on-edge.

Overall, it is considered that the submitted noise report, together with the documentation provided by the applicant describing the robust management provisions which will be put in place, provides sufficient evidence to be confident that the proposed use should not result in significant noise disturbance to local residents or unacceptably disturb the current relative tranquillity of the surrounding area.

Ecology

Policy GE13 states that development affecting Local Nature Sites should, wherever possible, be sited and designed so to protect and enhance the most important features of natural history interest and where development would decrease the nature conservation value of such an area, that the decrease is kept to a minimum and is compensated for by the creation and enhancement of wildlife habitats elsewhere in the site.

NPPF paragraph 186 sets out principles to ensure that biodiversity and habitats are protected.

It must be considered whether the proposed use, has the potential to affect wildlife on the site itself, the nearby Local Wildlife Site which covers the neighbouring small watercourses and associated riparian zone, or the further afield Peak District Moors Special Protection Area/ Eastern Peak District Moors Site of Special Scientific Interest.

In order to determine this the applicant has submitted both an Ecological Impact Assessment and a Shadow HRA Screening Assessment. The Ecological impact assessment finds that the dog day care facility will result in only minor habitat loss (with a small net gain following the proposed planting) and potential impacts to wildlife are considered and generally assessed as unlikely to be significant. One specific protected species issue has been identified and satisfactorily addressed through adjustments to the site boundary.

A low net gain in habitats is anticipated (0.28%), however, there is also a significant net gain in hedgerow units (463.74%), which is considered to be an acceptable position in biodiversity net gain terms (with the application falling outside of the statutory regime due to the date of submission). The installation of both open and house martin nest boxes is proposed and will be covered by a planning condition.

The submitted shadow HRA provides an impact assessment which acknowledges the potential for adverse impact through fouling and disturbance to ground nesting birds to the Peak District Moors SPA. However, the report points out that the SPA attracts many millions of visitors a year, a significant proportion of whom bring dogs and that increases in dog walking on the moors has not resulted in a decline in ground nesting birds (other than Merlins).

The report confirms that the development could lead to up to 22 dogs in groups of 6-8 being walked on the SPA up to twice per day, which is assessed to be a small increase relative to the baseline (with this being a conservative estimate as the applicant already undertakes dog walking of the same dogs on the SPA). The report also confirms that the applicant has committed to adhering to the legislative requirement that any person walking with a dog on Access Land between 1st March and 31st July must keep the dog on a short lead. Given the above the report assesses that no likely significant effects on the integrity and conservation aims of the SPA are predicted to result from the dog day care project, either alone or in combination with other schemes or plans.

In relation to eutrophication from dog faeces specifically the report points out that the management plan for Blacka Moor details that although “dog waste is an occasional problem on the paths immediately adjacent to the site entrance...the majority of dogwalkers are considerate and clean up after their pets” and that the applicant is committed to collect and dispose of dog waste responsibly and also concludes that no likely significant effects on the integrity and conservation aims of the SPA, or the habitats in the component SSSI, are predicted in relation to dog waste impacts.

It would not be possible to secure any restrictions on how the applicant does or does not choose to walk the dogs when they are off-site as part of this planning application/ decision; however the NPPF advises that ‘The focus of planning policies and decisions should be on whether proposed development is an acceptable use of

land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.'

This would equally apply to the Schedule 2 Countryside and Rights of Way Act 2000 (CRoW) requirements in relation to dog walking during the bird nesting season. A reasonable judgement should be taken on how a professional dog walker would be likely to behave when walking dogs within the SPA and the likelihood of the intensity of additional dog walking described having a significant impact upon the SPA, rather than relying on any planning controls to mitigate impacts (as no such controls would be enforceable).

In Officers' opinion there is no realistic risk of the proposed dog day care use impacting in any significant way upon off-site ecological receptors, including the nearby moorland SSSI/ SPA due to the negligible level of impact that the level of additional dog walking which would be generated by the proposed use would have in the context of the overall level of dog walking on the moors. Furthermore, it is considered that the applicant has adequately demonstrated that the proposed development would not result in any significant other ecological harm in terms of either flora or fauna and in fact would result in a significant net gain in terms of hedgerows. As such, the proposal is considered to be consistent with relevant local and national ecology and biodiversity policies, as set out at the beginning of this section.

Highways Impacts

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Parking and Access

The site benefits from an existing vehicular access and, whilst it's use would be intensified, the nature of the business would not generate a significant number of vehicle movements, particularly as the applicant would collect and return dogs to customers in their own vans. There would be adequate parking and turning within the site.

Highways Safety and Means of Enclosure

The land in question is adjacent to a highway used by vehicular traffic, and there are several well used and highly valued Public Rights of Way in the surrounding area. It is enclosed by low stone walling, which is dilapidated in some areas, and a post and wire fence. Due to the number of dogs the applicant is proposing to look after on the site, and with consideration of the staff numbers and operational practices that are detailed in the planning application submission, Officers are of the view that the existing means of enclosure would not be sufficient to contain the dogs. Dogs escaping from the site would have adverse effects on highway safety and the PRoW network.

Consequently, a planning condition is recommended requiring the applicant to erect the dog proof fencing described within the planning application prior to the use commencing. Subject to this conditional requirement, there are considered to be no reasons to reject the proposal in relation to highways matters.

Response to Representations

Most of the material planning issues raised in letters of support and objections are dealt with in the sections above in terms of green belt and landscape impacts and noise and disturbance associated with the proposals. In addition, The Peak District National Park Authority's objection, along with some public representations, raise the issue of the impact that the dogs within the field would have on neighbouring pastoral land. There were concerns around whether having dogs in the field six days per week could effectively sterilise the adjoining land due to the potential for livestock worrying.

At the suggestion of the PDNPA, officers contacted the National Farmers Union to seek their views on the development and, whilst there was some engagement over the phone, no written comments from the NFU were received. Given the observations made by the acoustic consultant during the trial day, and also the robust management plan put forward by the applicant, there is considered to be no reasonable basis to come to the conclusion that the proposed development would significantly inhibit the agricultural use of neighbouring land. The behaviour of dogs at the site will be actively managed and controlled and dogs will be contained within the site through robust boundary treatments and therefore there should be no impact upon the suitability of neighbouring land for pasture.

CONCLUSION

The proposal is to repurpose a field and associated stable which were previously in equestrian use and instead use them for dog day care purposes. The only external physical works required to prepare the land for this use comprise the resurfacing of the existing parking area adjacent to the stables and the erection of dog proof fencing around the site, comprising 1.8m high wire mesh fencing secured to timber posts. The use would involve the accommodation of up to 22 dogs on the site in supervised groups between 08:00 and 17:00 Monday to Friday and 09:00 to 17:00 Saturday.

In order to mitigate the visual and ecological impact of the development the applicant proposes to undertake substantial hedge planting around the boundaries of the site and also install bird boxes on the stables building. A Management Plan has been submitted demonstrating a set of procedures to promote good behaviour and wellbeing amongst the dogs and prevent issues such as persistent barking. Additionally, a Design Code has been submitted describing the type of objects which may be placed within the site for enrichment purposes, which will generally be the types of objects typically found on agricultural land such as hay bales, tractor tyres and timber structures.

The site is within an attractive, tranquil, countryside setting within the City's Green Belt. Physically the site would not be significantly altered, other than the new fencing,

which would be Permitted Development and, in any event, will be well screened by the proposed new hedgerows and is not unsympathetic to the surrounding countryside. The use itself, will increase the intensity of activity at the site, but given the restrictions put in place, in terms of hours of operation, maximum dog numbers and management provisions, it is not considered that the proposed dog day care use will be particularly intensive or obtrusive.

Consequently, it is not considered that the development will harm the openness of the Green Belt or conflict with the purposes of including land within the Green Belt (including preventing urban encroachment) and it is considered that the development represents appropriate development within the Green Belt. It is further considered that the change of use is unlikely to result in the tranquillity of the area being disturbed or to significantly degrade the character of the local countryside landscape.

The applicant has gone to some lengths to demonstrate that the proposed dog day care use will be robustly managed and not disruptive, including undertaking a trial day, during which noise readings were taken. It is considered that the balance of evidence suggests that the proposed use will not result in disruptive impacts, such as persistent barking and will neither imperil the continued tranquillity of the surrounding area nor result in any significant harm to the amenities of surrounding residents.

The ecological impact of the proposed use has also been assessed in detail, including in terms of both the site-specific impact upon flora and fauna which would result from the keeping of dogs on the site and the potential off-site impacts on the nearby protected moorland environment associated with increased dog walking activity. The evidence indicates that the development will not result in any unacceptable ecological impacts, will marginally improve local biodiversity and significantly increase the extent of local hedgerows and that the off-site impacts are likely to be negligible in the context of overall dog walking activity in the area.

For the reasons set out above, and considering the specific policy compliance tests included in the main body of this report, it is considered that the proposed change of use to dog day care and associated works will be of moderate economic benefit whilst not resulting in any significant harmful impacts or policy conflicts and conditional approval of planning permission is recommended.