

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

14th September 2023

Application No:	SMD/2023/0179	
Location	Land at Caverswall Road Caverswall	
Proposal	Change of use to part of the land for use as enclosed secure dog walking field.	
Applicant	Ms. J. Jones	
Agent	Mr. S. Ulhaq	
Parish/Ward	Caverswall	Date registered 02/05/2023
If you have a question about this report please contact: Mrs L. Jackson lisa.jackson@staffs Moorlands.gov.uk		

REFERRAL

This application has been brought before the Committee due to the contentious nature and the volume of representations.

SUMMARY OF RECOMMENDATION

Refuse.

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application site is a parcel of land fronting Caverswall Road, Caverswall. The site has boundary hedgerowns/trees and an existing vehicular access gate. At the time of the site visit the land was mainly grassland and it was noted that timber and wire fencing had been erected. The application site lies to the west of Caverswall and for the purposes of planning policy consideration, it is within the Green Belt. Next door to the site is a Scout Group meeting hall and further to the east/south-east/south are residential dwellings, mainly those of Mill Close. However there are others within the vicinity.

2. DESCRIPTION OF THE PROPOSAL

2.1 The proposal is to change the use of the application site to a dog walking exercise area and provide an area of hardstanding for customer off-road parking (permeable surface). Fencing has already been erected which the applicant(s) says could be done under permitted development allowances. The intention is to provide a facility where dogs can be exercised safely and securely off their leads. The submitted Planning Statement informs that an online booking system would be used to secure a 1 hour slot. The dog owner/walker would be issued with a pincode to unlock the gate to use the facility. Opening hours would be Spring, Summer Autumn - 8am - 8pm and Winter-8am - 6pm.

2.2 The application, the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=169624>

3. RELEVANT PLANNING HISTORY

08/00862/OUT_MJ 38 dwellings including 50% affordable dwellings. Refused.

4. PLANNING POLICIES RELEVANT TO THE DECISION

4.1 The following Staffordshire Moorlands Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS9 Smaller Villages Area Strategy
- SS10 Other Rural Areas Strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport
- Appendix 2 Parking Guidance

4.2 The National Planning Policy Framework is relevant in the consideration of the application, including sections;

Section 2: Achieving sustainable development
Section 4: Decision making
Section 6: Building a strong, competitive economy
Section 8: Promoting Healthy and Safe Communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 13: Protecting Green Belt land
Section 15: Conserving and Enhancing the Natural Environment

National Planning Policy Guidance

Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

5. CONSULTATIONS CARRIED OUT

Site Notice: Expired.
Neighbour notifications: Expired.

Letters of representation

Two petitions objecting to the application, one with 70 signatures, the other with 74 signatures.

35 letters of objection and 25 letters of support all of which are summarised as follows.

Objections

- Potential danger to wildlife
- Impact upon animal welfare
- Loose dogs will spook the horses in the neighbouring field
- Noise pollution from barking dogs
- 3 dogs can make a lot of noise
- Risk that people will not follow the rules and there are 6 dogs on the area at any one time
- Residents being woken early by the sound of barking dogs
- dogs , owners, whistles and barking will become a nuisance to the peace and tranquility
- Dogs will be a distress to local people and wildlife.
- No longer a safe place to walk due to the loose dogs in the area
- Damage to Green Belt
- Inappropriate development in the Green Belt
- Change of use of Green Belt land will lead to more commercial use in the future.
- Hardstanding will harm the Green Belt
- Dangers of on road parking
- People already park on both sides of the road
- Highways impact
- Already near misses on the road
- Road junction is already dangerous
- Traffic by Scout Hut is already terrible
- Environmental hazard - excessive mess and smell from dog excrement.
- Already a dog training/walking area close by at Salters Lane
- Danger of dogs to the children at the Scout Hut – area will not actively be managed.
- Bite risk from dogs
- Concern of dogs escaping from the facility
- Paid public access to the application site risks the safety and safeguarding of children at Caverswall Scout Hut. Only opportunity to 'see' children at this setting is from the gate at the end or from a small number of houses.
- Concern of close proximity of dog faeces bin to the Scout Hut
- Does not meet a social or economic need of Caverswall
- Wildlife will be driven away
- Fencing has already been put up
- More grass verges will be destroyed by people parking on them.
- Online booking system will not work.
- Devaluation of residents properties.
- No need for this business in the village
- The fencing is not suitable for small dogs.

- No one on site to make sure no barking occurs or that people leave when they should.
- Signs to keep the noise down are pointless
- Many people won't pick up their dog waste.
- Who will monitor the CCTV 24 hours a day?
- No-one who lives in the village wants the development
- Fencing is sheep netting certainly not appropriate for large dogs
- Legally there should be a member of staff present on site during all opening hours to ensure dog welfare.
- Concern about dog walkers being able to see into neighbours gardens

Support

- Good facility to have in the area.
- Good for dogs to be off lead
- Would not have to worry about children, vehicles etc
- Facility would be good for disabled people to be able to exercise their dogs
- Secure facility
- Would not increase traffic in the area
- Safe/regulated environment
- Good idea for the community
- No issues with parking at the area
- Fences appear to be good enough
- Lack of space in inner cities to walk dogs
- Increase in dog owners since Covid
- Growing need for safe/secure walking spaces
- One car in and out every hour is not an impact

Caverswall Parish Council: Object to the application for the following reasons;

1. Our meeting was attended by several local residents all of whom have objections to this application, and we are aware that a petition with 160 signatures has been submitted to you by residents.
2. This development is not in keeping with the village of Caverswall.
3. We do not accept Highways comments (para 6) following their site visit. Caverswall Road becomes very busy in the mornings and evenings and also whenever there are issues on the A50 traffic uses Caverswall as a "rat run", so if vehicles are waiting on the roadside to enter the site this will have an impact on traffic. Also, when the Scout Hut is in use there are many vehicles going into the Scout Hut car park taking and collecting cubs/scouts and any addition traffic again another issue of safety. Visibility at these times is vastly reduced in both directions.
4. Looking at the planning portal and the comments made it appears that the vast majority of those comments come from people living outside of Caverswall, even as far away as Stafford, there is not one comment in support of the application from anyone living in Caverswall and therefore would have no impact on their lives but only impact on the lives of residents of Caverswall.
5. This proposed dog field would be detrimental to neighbouring livestock, horses and cattle, and should any dog escape there could be catastrophic consequences.

6. Although the applicant has already installed 6ft fencing around the perimeter the spaces in the fencing are around 6inches wide which allows for any small dog or puppy to get through so in not appropriate and does not make the field totally secure.
7. Proposed opening hours are excessive - 7am-9pm Spring, Summer and Autumn with Winter hours being reduced to 8am-6pm. Opening for this length of time will have detrimental impact of neighbouring properties. Additionally with winter short days they would not be able to open the field unless they have floodlighting which should never be permitted due to its proximity to neighbouring properties.
8. Regarding the two containers they propose to have on site. The applicant stated at our meeting that the containers would only be used by them for maintenance equipment for the field. The Planning Statement para 4 seems to confirm this regarding one of the containers "proposed structure 'A' will be a steel 20ft x 8ft container which will house maintenance equipment for lawn mowing etc and general upkeep of the land and its proposed use. It will also include the relevant apparatus and equipment that will be used within the dog walking field too". However, para 5 seems to contradict what the applicant stated at our meeting "All other waste related material will be disposed of in structure 'B' which will be a skip that is collected on a regular basis and agreement is put in place with a local waste collection provider. Any dog waste that is left will be collected by a specialist contractor on a weekly basis". If this is the case and dog waste is placed in the skip, then this will become an environmental health issue. In addition, the location of the two containers at the site is too near the highway and the conurbation of houses.
9. Regarding the security of the site. We are concerned about the way people will gain access to the site by being given a code to unlock the gate. We understand that the code will be changed on a weekly basis but there are concerns users could re-enter the site at a later date during the week using the same code without the applicants knowledge and therefore should an incident happen the person using the site unlawfully could not be easily traced.
10. We are aware of the Objection comments made by Alison Walters, as Cub leader at Caverswall Scout Hut and whole heartly support the comments made by her as follows :-

"1. I am a cub leader at the Caverswall Scout Hut. The change of use of the land, which is currently of agricultural use, to allow paid public access significantly risks the safety and safeguarding of children at Caverswall Scout Hut used by both Parkhall Scouts Group and Caverswall Scout Group. Currently the only opportunity to 'see' children at this setting is from the gate at the end or from a small number of houses. Allowing public access to the land adjacent to this location when currently it is private, of agricultural use and safe is a major safeguarding concern. 2. We do not have bins on Caverswall Scout Hut. I am very concerned about the location and proximity of an enormous bin that can incorporate masses of dog faeces that will be emptied as identified on a weekly basis, although I am dubious that this is likely given the size. It also begs the question how a lorry will get onto site to receive such a large bin. This will create significant odour and health issues and would not be appropriate adjacent to an area full of children. 3. The provision of an area of dogs next to/near to an area full of children is in my eyes inappropriate with the risk of dogs escaping or dogs in the parking area being accessible by children through the fence. This poses a bite risk to

children and a safety hazard, despite the main fenced area being further away from the Scout Hut. I am concerned that this area will not be actively managed and as a consequence will not be 'policed' in its appropriate use. The times of use will be in operation when children will be present within and around the Scout Hut.”

11. On the application form “Trees and hedges” the applicant states that there are no trees and hedges on land adjacent. There are hedges which border the road and the Scout Hut and therefore the application form is giving misinformation. This needs to be taken into account in your determination of the application.
12. Policy SS9 States that settlements shall provide only for appropriate development which enhances community vitality or meets a social or economic need of the settlement and protecting and enabling services and facilities which are essential to sustain rural living. We cannot see how a fenced dog compound which is not manned, is not owned or occupied by anyone living within Caverswall and Cookshill meets the social or economic need of this settlement. It isn't providing facilities essential to rural living and is therefore contrary to this policy.
13. Policy DC3 states that development should be resisted that would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement. I am not sure how containers and additional fencing will contribute to the setting of the settlement. The site is located within the Settled Plateau Farmland Slopes which are affected by urban fringe pressures which have an adverse impact on landscape quality. This development is a prime example of urban fringe pressures leading to the degradation of the landscape character. This is therefore also classed as inappropriate development in relation to the NPPF as the development is not preserving the setting of Caverswall and Cookshill and is contributing to the encroachment with urbanising features/uses.
14. Policy SS10 relates to other areas within open countryside. It states that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy. As discussed in point 11, above, this is not an exception and is therefore contrary to this policy.
15. Dogs and horses. The surrounding area is grazed by horses with adjacent pasture land, used by local residents to house their horses. It is of concern that placing dogs that may have 'issues' in close proximity to horses will undoubtedly cause stress to the horses whilst grazing and also in stabling. This is an inappropriate mix.
16. Previous application SMD/2008/037 for 38 dwellings was refused partly on green belt reasons. This land lies within green belt and also fall into spatial land between two district and therefore need to be protected against any future applications for development.

Staffordshire Wildlife Trust: Objection. There is currently insufficient information to determine the full ecological impact of the application and to demonstrate there will be a biodiversity net gain, where possible. Due to the type and area of the site, and the proposed loss of green areas and fencing, protected/ priority species and habitats could be impacted. To inform decision making, a PEA, conducted by a suitably

qualified Ecologist, of all areas to be impacted is required prior to determination. Any further species-specific surveys required should be conducted within the suitable survey time period and accompany the application.

Environmental Health: Original recommendation of refusal on noise grounds. Applicant has submitted further comments, Environmental Health state that if the additional information can be conditioned and is enforceable then their original objection could be withdrawn.

Further details/explanation can be found within the relevant section of the report below.

Highways (Staffordshire County Council):

Site Visit Conducted on: 22-May-2023

Personal Injury Collisions:

Current records show that there were not any Personal Injury Collisions on Caverswall Road within 50 metres either side of the site access from 31st December 2015 to 31st December 2020.

Background:

Caverswall Road is a C classified road (Road No. C0068) with a 30mph speed limit, there are street lights and footways. The site is accessed via an existing access off Caverswall Road (shown as School Lane on submitted plans).

Description of Proposal:

Change of use to part of the land for use as enclosed secure dog walking field including placement of 2no structures.

Comment on Information Submitted:

The proposal for the change of use of land to provide a dog exercise area. Previously the site has been used for horses and had a storage unit. There was no storage unit present at the time of the site visit, but it is noted that the applicant intends to place a unit (structure A) for the storage of grounds maintenance equipment associated with the business and a skip (structure B). Access to the site will be via an existing vehicular access which currently serves the site. The access is off Caverswall Road and benefits from good visibility in both directions. Drawing titled Site Layout Plan shows 2 parking spaces. Parking for the proposed use would allow vehicles to park and turn, enabling them to leave the site in a forward gear. However, I noted on my site visit that the proposed parking area is grass/compacted soil it would be beneficial to surface the site in a bound material that is suitably drained and marked out.

It is noted within the Planning Statement that an online booking system is to be implemented.

Based on the information submitted there will be an increase in the level of traffic to the site however, the increase is not considered to be an unacceptable level. It was noted at the site visit that a fence and gate within the site has been erected.

Recommendations:

I have no objection subject to the following being secured via condition;

The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in a bound material with sustainable drainage and marked out in accordance with drawing titled Site Layout Plan which shall thereafter be retained for the life of the development.

REASONS: To comply with NPPF; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety.

6. OFFICER COMMENT AND PLANNING BALANCE

Policy Context and Principle of Development

6.1 The Local Planning Authority is required to determine applications in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Staffordshire Moorlands Local Plan 2020 is the adopted Local Plan for the district.

6.2 The application site is located on the outskirts of Caverswall. Caverswall is classed as a smaller village. The application site is not within a particularly isolated location but it lies within the Green Belt for the purposes of planning policy consideration. The Government attaches great importance to Green Belts. 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.

6.3 NPPF paragraph number 150 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

6.4 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF goes on to state that 'When considering any planning application, local planning authorities should ensure 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.'

6.5 Policy SS1 of The Staffordshire Moorlands Core Strategy identifies that development should contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. SS10 includes specific reference to Green Belt developments in that 'strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.'

6.6 The application proposes a change of use of part of the field to a dog walking exercise area (70m x 48m), which is enclosed by timber and wire fencing (currently in situ) and associated hard surfaced parking area (approximately 23.5m x 14.4m). No planning condition could adequately control whether or not a customer brings dog agility equipment in to the site and therefore having further Green Belt openness harm. The comings and goings of vehicles also has a degree of openness harm in addition to the laying of hardstanding materials. The applicant's Planning statement informs that an online booking system would allow a 1 hour slot and that the two proposed parking spaces are required to allow for the cross over of customers (it is noted that the proposed area of hardstanding is far larger than is reasonably required for two vehicles). The applicant has subsequently informed that the booking slots would be 50 minutes to allow a 10 minute window in which to leave and the next customer to arrive (more discussion of the impacts of this can be found within the Environmental Health section of this report). The fact remains that there is far more parking space than required to cater for either one or two vehicles. The number of people on the site (and therefore vehicles) cannot be readily controlled by conditions, the result being harm to the openness of the Green Belt at this point. When questioned, the applicant/agent have informed the Local Planning Authority that details of the fencing have not been supplied as part of the application as it could be erected using Permitted Development Rights. However, as no information has been submitted it cannot be clarified whether the fencing was permitted development compliant, but more importantly there is no evidence to suggest that the fencing of the type and design currently in situ would be erected without the intention of the land being used for dog exercise purposes. The proposed opening hours are Spring, Summer and Autumn 8am - 8pm and winter-8am - 6pm. Operation of the walking area during the winter months will undoubtedly require lighting in the evenings. This would have further impacts on openness.

6.7 This change of use and its associated built development (car park and fencing) would be inappropriate development in the Green Belt and have harm to openness at this point by virtue of its physical and visual presence. The cumulative effects of the proposal would be encroachment into the countryside and visual harm. Inappropriate development that would, by definition, be harmful to the Green Belt. Substantial weight should be attributed to any harm to the Green Belt and permission should only be granted if there are other considerations or circumstances that clearly outweigh that harm and any other harms. In this case it is not considered to be the case that there are any very special circumstances to support the scheme.

Design and Visual Impact (Character and Appearance)

6.8 Local Plan policy DC1 requires that all developments shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the character and heritage of an area. Development should be of a high quality, adding to the value of a local area, incorporating creativity, be designed to respect the site and its surroundings and promote a positive sense of place and identity. Policy DC3 concerns itself with Landscape and Settlement Setting and is clear that development should be resisted where it would lead to a prominent intrusion into the countryside. It is acknowledged that the application site has hedgerow screening along the site frontage (Caverswall Road) and that not all of the site is visually prominent. There is some screening along other boundaries but it is important to note that none of the vegetation boundaries have any protected status. Much of the fencing, the proposed parking area and vehicular comings and goings would be visible from outside of the site, namely Caverswall Road. Any necessary lighting to allow for the proposed winter opening hours would also have an adverse visual

impact on the landscape. The development would have a harmful visual impact upon the countryside at this point and does not comply with the provisions of Local Plan policies DC1 and DC3.

Highways/Access

6.9 The NPPF and Local Plan policies DC1 and T1 require that all development proposals secure safe and suitable access to a site whilst making a contribution towards meeting parking requirements and ensuring that all new development can be satisfactorily accommodated within the highway network. The application proposes the continued use of the existing vehicular access and the plans do not indicate any alterations to its location or dimensions. It is noted that a number of representations to the application have referenced highways impact as a concern. The County Highways officer has assessed the application and comments that the access benefits from good visibility in both directions and recommends a condition to secure bound material surfacing that is suitably drained and marked out. In the absence of any objection from the Highway Officer, whilst resident comments are noted, it is not considered that a refusal on highway grounds could be sustained.

Environmental Health

6.10 The application site is located on the outskirts of Caverswall. Whilst the site itself lies within the Green Belt, the main settlement of Caverswall does not. Caverswall has an identified settlement boundary which runs along the rear boundaries of the Mill Close dwellings. The application site is also adjacent to the Caverswall Scout Group building and grounds. Due to the nature of the development, it is considered that the development would have negligible impact in terms of loss of light, privacy and outlook. However the proposed development has the potential to have a detrimental impact on neighbour amenity due to noise pollution caused by barking dogs. Members will be aware of a significant level of objection to the scheme, with many representations raising concerns over noise. Local Plan policy DC1 requires that all developments shall be well designed, stating that new development should *'protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.'* The application has raised concerns over noise and impact upon residents.

6.11 Environmental Health initially objected to the application for the followings reason(s):

'There is a lack of information provided on dog limit numbers, owner limits and how loud barking incidents would be managed as there is no on site management. These dog exercise developments do appear to have become more popular recently but are mainly in sparsely populated areas. This proposed development is adjacent to a village hall and a large number of residential properties. The nearest residents are approx. 40m away from the boundary so it would be important that there is confidence dog barking noise is low risk and can be controlled. Additionally it is important the use of the village hall is not compromised by noise from this development.'

6.12 Environmental Health stated that further information was required and the applicant has provided the following;

- The Site is limited to 1 customer at a time allowing that 1 customer to bring up to 3 dogs.
- Customer bookings will be 1 hour slots which consists of 50 minutes of use within the secure dog walking field. Then 10 minutes for site exit to stop any cross over of customers which in turn reduces noise pollution of dogs barking at each other on exit and arrival.
- All booking will be made through an online portal where customer details will be inputted.
- Signs will be placed on several posts within the secure field. Stating "Please respect our Neighbours in relation to noise"
- A sign will be placed on the main entrance gate with a contact number on it, in the unlikely case of any complaints that may arise from our neighbours. Once logged, this can be linked back to the customer booking portal to highlight who the customer was and if so reject any future booking from them.
- Terms & conditions of use when booking a slot will state that all dog waste should be picked up and placed in the dedicated waste bin on site. Which in turn will be collected by a specialist waste contractor as and when required. The website will also state if any customer arriving does see any waste whilst they are using the field we would ask them to contact us via phone/ email so we can go up on the next available slot to clear this. As well as this I will be attending the site daily to check both dog waste is clear and fencing remains safe and secure.
- To further enhance the monitoring of the site 2 small 4G enabled solar CCTV cameras will be placed on site. One at the entrance gate and one within the secure dog walking field itself. This allows us to monitor the site 24/7 from any location.

6.13 Following receipt of the additional information, Environmental Health have commented that if the details provided by the applicant can become planning conditions which are enforceable then the Environmental Health objection could be withdrawn and that it might be appropriate to grant an initial short term permission to determine suitability of proposed use for site.

6.14 Whilst the above comments from the applicant are noted, Planning Officers still have concerns over noise impact. It is not considered that a condition requiring a site specific noise mitigation measures would be effective, reasonable or enforceable given the nature of the use and the unpredictability of animal behaviour. It is not therefore considered that loud barking incidents could be effectively managed. There is no control over the number of dogs a customer may arrive with and any reports over the breach of numbers would ultimately be too late as the session will have ended and the noise impact occurred. There does not appear to be any control over the departure time of a customer, access may well be restricted due to the use of an entry gate code but there is nothing to prevent a customer still being at the site when the next person arrives. This cross over has openness impact due to more than one vehicle being parked at the site but also has the potential to increase noise levels by unfamiliar dogs meeting each other. Signs asking for consideration of noise impact upon neighbours within the site cannot control barking dogs, barking cannot be controlled by any noise management plan. Even contact details for the owner/operator of the site would not address the noise problem as it will already have occurred at the time it is reported. It is necessary to decide whether this change of use is appropriate for this location or not. It is also questionable whether strict control over waste collection could be imposed. However it is borne in mind that it is in the owner's/operator's interest to maintain the site in a clean and tidy manner as not

doing so could impact negatively upon the business. In relation to the proposed CCTV system, this could be conditioned and the details agreed prior to first use of the site for dog walking.

6.12 Members will also note the proposed opening hours. Spring, Summer and Autumn 8am - 8pm and winter-8am - 6pm. Operation of the walking area during the winter months will undoubtedly require lighting in the evenings. No information has been submitted regarding the lighting. Other matters such as construction times can be conditioned.

6.13 On the basis of the above it is not considered that the details provided by the applicant could be satisfactorily conditioned in such a manner as to be enforceable and satisfactorily prevent noise pollution. The Environmental Health suggestion that a short term permission could be considered, is an option to allow impacts to be monitored. However based on the above analysis it is clear that the scheme could not be controlled sufficiently to ensure acceptable noise levels. It is also noted that as the details cannot be satisfactorily conditioned, the Environmental Health objection remains in place. The proposal is therefore contrary to policy DC1 of the Staffordshire Moorlands Local Plan and the National Planning Policy Framework.

Ecology/Biodiversity and Trees

6.14 Policy NE1 in the Staffordshire Moorlands Local Plan Adopted September 2020, expects that 'all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development.' It is noted that an area of grassland would be lost to a hardstanding area. Staffordshire Wildlife Trust have logged a holding objection to the application commenting that protected/priority species and habitats could be impacted. SWT require a Preliminary Ecological Assessment to be undertaken by a qualified Ecologist prior to determination of the application. The applicant/agent states they feel ecology reports should be 'conditioned upon determination as a pre-commencement condition allowing the client to then submit this information when it is most appropriate from a cost outlay point of view.' Unfortunately, the case of *R (on the application of Simon Woolley) v Cheshire East Borough Council* established in the High Court that this approach is not acceptable, ecology impacts need to be known in advance of making a decision. Ecology is a material planning consideration. For these reasons it is considered that the application is contrary to Local Plan policy NE1.

7. CONCLUSION AND PLANNING BALANCE

7.1 The application involves the change of use of a parcel of land and they laying of hardstanding for a parking area. National Planning Policy Framework paragraph 150 is one of the relevant sections to consider as the scheme does not include the erection of any new buildings which are controlled under paragraph number 149. Paragraph number 150 is clear in that other forms of development are not necessarily inappropriate development provided they preserve openness and do not conflict with the purposes of including land within the Green Belt which are;

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns 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.

7.2. As demonstrated within the report it is clear that the development is harmful to openness and conflicts with part c (purposes of including land within the Green Belt). The scheme clearly proposes development that encroaches into the Green Belt and will have harmful visual impact.

7.3 It is concluded that the proposal constitutes inappropriate Green Belt development and therefore consideration moves on to whether the scheme should be approved due to the existence of very special circumstances. No very special circumstances have been advanced.

7.4 The report identifies noise impacts upon surrounding residents and the fact that no guaranteed mitigation can be imposed by means of conditions. Furthermore the application lacks details to demonstrate that the scheme would be acceptable in terms of biodiversity/species impact. Accordingly, it is recommended for refusal.

8. OFFICER RECOMMENDATION

- 1. The application site is a parcel of grassland on the outskirts of Caverswall village. The proposed change of use of the land to a dog walking exercise and vehicular parking area constitutes inappropriate development within the Green Belt. The scheme would result in a loss of openness, encroachment, harmful visual impact and would conflict with the purposes of including land within the Green Belt. The application does not demonstrate any very special circumstances which would individually or cumulatively outweigh the identified harm. The application is therefore contrary to policies SS1, SS10, DC1 and DC3 of the Staffordshire Moorlands Local Plan together with sections 2 'Achieving sustainable development,' 12 'Achieving well-designed places' and 13 'Protecting Green Belt land' of the National Planning Policy Framework.**
- 2. The proposal has the potential to adversely affect amenity as a result of noise emanating from barking dogs. It is not considered that conditions requiring noise mitigation measures would be sufficiently effective, reasonable or enforceable given the nature of the use and the unpredictability of animal behaviour. In the absence of achievable mitigation the proposal is considered to be contrary to Policy DC1 of the Staffordshire Moorlands Local Plan and the NPPF**
- 3. There is currently insufficient information to determine the full ecological impact of the application, including potential impacts on protected / priority species and habitats and to demonstrate there will be a biodiversity net gain, where possible which is contrary to the requirements of Staffordshire Moorlands Local Plan policy NE1 and section 15 'Conserving and enhancing the natural environment' of the National Planning Policy Framework.**

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued,

the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.

