



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/00956/FPA
Full Application Description:	Change of use from personal equestrian grazing paddock to commercial dog exercise paddocks and retention of 1.8m high fencing (description amended)
Name of Applicant:	Mr Ian Stabler
Address:	Acorn Stables, Salters Lane, Haswell, Durham, DH6 2AW
Electoral Division:	Shotton and South Hetton
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to a parcel of grassed land measuring approximately 1.38ha that is currently used as a personal equestrian paddock. The site is accessed via an existing gated entrance from the B1280. An existing hard surfaced area lies to the east of the paddock. The village of Haswell lies to the north, Haswell Plough to the west, and Shotton Colliery to the south east.

The Proposal

2. The application seeks full planning permission to change the use of the land from a personal equestrian grazing paddock to two commercial dog exercise paddocks to be ran by the applicant and their family. 1.8m high post and rail fencing has already been installed around the perimeter of the site and internally to divide the site into two paddocks. A green deer proof mesh is proposed to be fitted to the fencing to provide a secure environment to prevent dogs from escaping the paddock. The application has been amended to include

the proposed erection of 1.5m high close boarded timber fencing along the inside of the post and rail fencing along the northern and southern boundaries of the site. Landscape planting is proposed outside the 1.5m high close boarded timber fencing. Means of enclosures that are not adjacent to a highway and do not exceed a height of 2m could be achieved under permitted development.

3. The applicant's intention is to make the paddocks available to hire by dog owners who wish to allow their dogs to be let off the lead and exercise in a secure location away from the presence of other dogs, as well as trainers seeking to train their dogs. The applicant has also indicated that the paddocks could be used by charities such as the Guide Dogs for the Blind Association to train new guide dogs. Each paddock would be limited to two dogs at a time.
4. The paddocks are proposed to be available for use between the hours of 7am to 8pm in the summer months and 8am to 4pm in the winter months, with no external lighting to be installed. The paddocks would be available by appointment only, with a 10 to 15 minute gap between appointments to minimise the interactions between different dogs arriving and leaving the site.
5. The application originally sought consent to site two sheds measuring 3.6m by 2.4m (one of which is currently in situ) but these have since been omitted from the application.
6. The application is being reported to the Central and East Area Planning Committee in accordance with the Council's Scheme of Delegation as the proposals represent major development by virtue of the application site area exceeding 1ha.

RELEVANT PLANNING HISTORY

7. There is no relevant planning history relating to the application site.

PLANNING POLICY

National Policy

8. A revised National Planning Policy Framework (NPPF) was published in December 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually

supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

10. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
12. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

National Planning Practice Guidance:

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of

matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

Local Plan Policy:

The County Durham Plan (CDP)

17. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
18. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
19. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
20. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably

minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.

21. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
22. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
23. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
24. Residential Amenity Standards SPD (2023 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

Neighbourhood Plan:

25. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

26. *Haswell Parish Council* – No response received.
27. *Highways Authority* – Raise no objections.

Non-Statutory Responses:

28. *Environmental Health Nuisance Action* – Advise that the proposed use of the land as a dog exercise paddocks is not anticipated to adversely affect the amenity of surrounding residents provided relevant good practice and guidance is complied with. Raise no objections subject to a condition to restrict the timing of construction working hours.
29. *Ecology* – Confirm that the proposed development is exempt from the mandatory requirement to achieve biodiversity net gains of at least 10% and advise that the proposed planting of native trees would deliver biodiversity net gains in accordance with County Durham Plan Policy 41.

Public Responses:

30. The application has been advertised by way of a site notice and individual notification letters sent to neighbouring properties.
31. Letters of objection from two individuals have been received raising the following concerns:
 - The impact of the dogs using the field on the livestock and horses in the adjacent fields, who did not receive a notification letter,
 - The presence of other dog exercise areas nearby,
 - The fencing to enclose the land has already been erected,
 - Concerns that the site will be used for greyhound racing.
32. Five letters of support have been received commenting that the proposed dog paddock would provide a local, private, safe and secure environment to exercise their dogs.

Applicants Statement:

33. This statement has been prepared on the instructions of Mr Ian Stabler to support an application for planning permission for the change of use of land, formerly a paddock for applicants own ponies adjacent to the applicant's home, to a dog walking field.
34. The application is part retrospective, the applicant having already started to prepare the site and maintain the grassland . The applicant seeks to establish 2 enclosed dog walking areas. It will be a family business run between family members who live and work on adjoining site.
35. The land has been underused for many years – mainly for grazing owners ponies -so the applicant decided on a business venture to benefit the local community by providing a safe and secure environment for both pets and customers.
36. The site is located in a rural area, approximately 900m south-east of Haswell village. The site is immediately bounded by further enclosed paddocks and residential properties to the north and south, a public footpath and Salter's Lane single carriage way road to the east and an enclosed field to the west.

37. Access to the site is by established entrance from Salters Lane. Car parking for up to twelve cars is to be provided on site. It is expected that each paddock will be used by mostly one owner at a time so the increase in traffic movements will be minimal.
38. The appointment system will ensure that multiple vehicles will not enter or leave the site contemporaneously and reduce any risk of any significant increase in the volume of traffic.
39. The facility will provide fully enclosed, safe and secure areas which are maintained and checked daily to allow customers to bring along their dogs for exercise and fun.
40. There have never been and never will be any plans for a greyhound track. Dog number will be limited to two dogs per paddock at any one time.
41. It is proposed that the paddocks be securely enclosed by post and rail fencing around the perimeter with deer proof matrix mesh secured to it. Inside this as discussed with planning officer there will be planted a natural hedge with native hedging species interspersed with native trees. Inside this there will be a 1.5m close boarded fence painted dark green to prevent the egress of any dogs during exercising.
42. Waste will be collected on a weekly basis by a licensed waste disposal company. Grass within the paddocks will be kept well maintained and mowed as long grass harbors parasitic pests such as ticks and fleas and impractical regarding the cleaning up of dog waste.
43. The paddocks will be available for dog owners inside the hours of 8.30am to 8pm maximum. Owners and trainers will book by appointment, exclusive time slots for the site enclosure use with a ten to fifteen minute gap between appointments to lessen interactivity between groups of dogs. Risk assessments prior to visit will ensure adequate and effective measures regarding individual requirements. A list of rules and regulations will be displayed on site and also provided to dog owners on booking.
44. For the safety of dogs, clients and public the owner intends to use a number of rules and guidelines which will be posted on site. These are contained within the submitted Planning Statement.
45. In conclusion the paddocks will provide a secure, and safe environment for dogs and owners. The secluded and peaceful location will be calming and beneficial for the mental health for both dogs and their handlers reducing dog thefts and attacks and alleviate urban issues regarding dogs by providing the space and environment more suited to their exercise requirement.
46. The proposal further gives increased opportunities to provide access to outdoor sport and recreation whilst helping to protect the natural environment.

47. As the business develops it can reasonably be expected that the visitor economy will grow accordingly and will support existing land based rural enterprise and bring visitors to the village of Haswell.
48. The facility will provide a sustainable leisure and recreational facility which meets the needs of existing and future residents and has the potential to reduce health inequalities both mental and physical.

PLANNING CONSIDERATION AND ASSESSMENT

49. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Residential Amenity, Impact on the Character and Appearance of the Area, Highway Safety, and Other Matters.

Principle of Development

50. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
51. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
52. The application site is located outside of any settlement and so lies within the open countryside. NPPF Paragraph 88 advises that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist.

53. Furthermore, County Durham Plan (CDP) Policy 10 is relevant to the application which seeks to direct development to the built up area in the first instance but is not permissible towards development within the countryside unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more listed exceptions.
54. The site occupies a position outside of and not well related to any settlement and so CDP Policy 6 is not applicable in this instance. There are no policies within the CDP relating to dog exercise paddocks and the site does not lie within an area covered by a neighbourhood plan. Of the listed exceptions in CDP Policy 10 the most relevant appears to be c).
55. Exception c) relates to the establishment of a new agricultural or other rural land based enterprise which clearly demonstrates an essential and functional need for that specific location and where it can be clearly demonstrated that it has the prospect of being financially sound and will remain so.
56. Whilst the proposed use of the field as a dog exercise paddock is not strictly a rural land based enterprise, it is considered that a countryside location could be an appropriate location to provide a secure space to exercise dogs. No details regarding the financial viability of the proposals have been submitted, however in this instance the physical development proposed amounts to the erection of fencing which is not considered to adversely affect the character and appearance of the surrounding countryside or have an otherwise harmful impact and could be achieved under permitted development. Subject to the considerations discussed below, including the general design principles for all development in the countryside as set out by Policy 10, there is considered to be no significant conflict with policy such that the principle of the development would be deemed unacceptable.
57. Given the sites' distance away from neighbouring settlements, the proposed development would not adversely impact upon their settings or result in the merging or coalescence of neighbouring settlements. The site relates to land behind existing built development fronting Salters Lane and would not contribute to ribbon development. Therefore, the application does not conflict with criteria, m), n), or o) of Policy 10.
58. Criterion p) is not permissible towards development in the countryside that would be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
59. The site is not well served by public transport and whilst the eastern side of the B1280 benefits from a footpath leading to Haswell to the north this is unlit for most of its length with the road having a national speed limit. Visitors to the site are therefore most likely to travel to the site by private car. There are no PRoWs within close proximity to the site. Therefore, in this instance it is concluded that

there are no realistic opportunities to improve the sustainability of the site and so, considering the relatively small scale of the proposed operations, it would not be possible to sustain the refusal of the application on this basis.

60. As the proposed development relates to the change of use of an equestrian paddock to a dog exercise paddock with the only physical works amounting to the erection of fencing, there is no conflict with criteria s) or t) of Policy 10, relating to minimising vulnerability to impacts arising from climate change and maximising the effective use of previously developed land.
61. The remaining general design principles for all development in the countryside will be discussed under the relevant headings below.

Residential Amenity

62. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level. In addition, CDP Policy 10 r) is not permissible towards development that would adversely affect residential or general amenity.
63. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
64. Whilst the site is located within the open countryside there are some dwellings nearby, with the closest of these being located within 60m to the south. Environmental Health have advised that a Noise Assessment is not required in this instance as there is no clear noise guidance on the impact of dog barking, with issues in this regard most commonly arising from separation anxiety where dogs are left alone all day or put into kennels, which would not occur at this site where the dogs would be supervised by their owner or trainer at all times.
65. Given that the maximum number of dogs proposed to be using the paddocks at one time would be limited to four (two in each paddock), the proposed use is not anticipated to adversely affect the amenity of surrounding residents provided relevant good practice and guidance is complied with. In this regard, Environmental Health recommend a condition to secure adherence to the Safety and General Rules and Guidelines contained within the submitted Planning Statement, including a restriction of the number of dogs present at the site at any one time in connection with the paddocks to no more than four, but with the operating hours of the site to be limited to 8:30am to 8pm rather than the 7am start proposed. A bin for dog waste is proposed to be available in each paddock.
66. Objections have been received from the owners of the adjacent fields to the north and south who have raised concerns over the impact of the dogs using

the paddock on their animals, understood to be horses and sheep. Whether the use of the field as a dog exercise paddock is compatible with the existing use of neighbouring land is a material consideration. To alleviate these concerns, the applicant has provided an amended plan to indicate the position of new 1.5m high timber fencing along the edge of the northern and southern perimeters to prevent the dogs using the paddocks from seeing the livestock in the adjacent fields, which is considered sufficient. A condition is recommended to secure the installation of this fencing prior to the first use of the land as dog exercise paddocks.

67. Overall, subject to conditions, the proposed development would not adversely affect the amenity of neighbouring residents or conflict with neighbouring land uses, according with, CDP Policies 10 r) and 31, as well as Parts 12 and 15 of the NPPF.

Impact on the Character and Appearance of the Area

68. Criterion I) of CDP Policy 10 is not permissible towards development in the countryside that would give rise to unacceptable harm to the intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for.
69. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
70. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
71. Parts 12 and 15 of the NPPF also seek to promote good design, while contributing to and enhancing the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site. Specifically, NPPF Paragraph 135 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
72. The application site does not lie in an area covered by any national or local landscape designations. The site is screened from the B1280 to the east and the B1283 to the south by existing roadside vegetation. Views of the proposed fencing from PRow no.12 to the west and Mazine Terrace to the north west would be possible although these vantage points are 230m and 610m away

respectively, and views would be onto the length of 1.8m high post and rail fencing with green deer proof mesh. Landscape planting is proposed to take place on the outside of the 1.5m high timber fencing to soften its appearance and a condition is recommended to require this fencing to be stained a visually recessive dark green colour to tie in the green deer proof mesh to be installed to the 1.8m high post and rail fencing. Conditions are also recommended to secure the erection of the fencing and mesh, and the implementation of the landscaping.

73. Subject to conditions, the proposed development is not considered to adversely affect the character and appearance of the surrounding area, according with CDP Policies 10 l), 29, and 39 and Parts 12 and 15 of the NPPF.

Highway Safety

74. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. In addition, CDP Policy 10 q) is not permissible towards development that would be prejudicial to highway safety.
75. The NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 115 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
76. The site is served by an existing vehicular access, which serves an existing stable building and the dwelling known as Willow Tree Grange. An existing hardsurfaced area exists to the east of the paddock which has ample space for car parking and turning. No significant increase in vehicle traffic is expected as a result of the proposed use of the field as a commercial dog exercise paddock for up to four dogs at a time. The Highways Officer raises no objections to the application.
77. Overall, the proposed development would not adversely affect highway safety, according with CDP Policies 10 q) and 21, as well as Part 9 of the NPPF.

Ecology

78. NPPF Paragraph 186 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. CDP Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

79. The application was submitted after the 12th of February 2024, the date on which the requirements of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, came into force. However, as the only physical development proposed is the erection of fencing the application is considered to be exempt from the mandatory requirement to achieve biodiversity net gains of at least 10% by virtue of less than 25m² of on-site habitat being affected, with the County Ecologist confirming that the biodiversity value of the site would not be affected by the proposals. In addition, the post and rail fencing has already been erected and so the application is part retrospective.
80. Nevertheless, the application is supported by a Biodiversity Net Gain Report which proposes the planting of 30 native trees which would achieve a net gain of 0.34 habitat units or 11.14%. the County Ecologist has reviewed this report and indicated their satisfaction with the findings. Further details would be secured under the condition recommended to secure further details of a landscaping scheme.
81. The application site is currently used as an equestrian paddock and its proposed use as a dog exercise paddock is not considered to adversely affect any protected species.
82. Overall, the proposed development would not adversely affect any protected species or their habitats and would deliver a biodiversity net gain, according with CDP Policies 41 and 43, as well as Part 15 of the NPPF.

Other Matters

83. Residents have raised concerns that fencing has already been erected to prepare the land to be used as dog exercise paddocks. Whilst it is disappointing that works have taken place without the benefit of planning permission, the Town and Country Planning Act 1990 allows planning applications to be submitted retrospectively to authorise development that has already been carried out. Therefore, that fencing has already been erected does not warrant the refusal of the application. In addition, the erection of fencing that is not adjacent to a highway up to 2m in height could be achieved under permitted development.
84. Concerns have been raised that there are other dog exercise areas nearby. However, competition is not a material planning consideration, with each application required to be judged on its own merits, and so this is not capable of sustaining a reason to refuse the application.
85. A resident has raised a concern that the site will be used for greyhound racing. Whilst the submitted Planning Statement makes reference to the paddocks potentially being used by charities involved in the rehabilitation of greyhounds, the description of the proposal does not make reference to using the land for greyhound racing and the applicant has confirmed they do not intend to use the site to race greyhounds.

86. The owners of the adjacent fields to the north and south of the application site have raised a concern that they did not receive a notification letter. This is likely to be due to the fields in question not having a postal address, but in any event a site notice was posted near to the site to advertise the application to nearby landowners. As such the LPA fully carried out its statutory duty to consult on and publicise planning applications as set out Schedule 1 of the Town and Country Planning Act 1990 and Part 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

CONCLUSION

87. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
88. CDP Policy 10 is only permissible towards development within the countryside where allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more listed exceptions.
89. There are no policies within the CDP relating to dog exercise paddocks and the site does not lie within an area covered by a neighbourhood plan. Of the listed exceptions in CDP Policy 10 the most relevant appears to be c).
90. Exception c) relates to the establishment of a new agricultural or other rural land based enterprise which clearly demonstrates an essential and functional need for that specific location and where it can be clearly demonstrated that it has the prospect of being financially sound and will remain so. Whilst the proposed use is not strictly a rural land based enterprise and no details regarding the financial viability of the proposals has been submitted, in this instance given that the physical development proposed amounts to the erection of fencing which is not considered to adversely affect the character and appearance of the surrounding countryside or have an otherwise harmful impact there is considered to be no reason to withhold the granting of planning permission in this instance. This is subject to conditions to restrict the operational hours of the dog paddocks and the number of dogs present on site in connection with the paddocks at any one time.
91. Overall, the application is considered to accord with CDP Policies 10, 21, 29, 31, 39, 41 and 43, as well as Parts 2, 4, 6, 8, 9, 12, and 15 of the NPPF and so with no material considerations to indicate otherwise the application is recommended for approval, subject to conditions.

92. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
93. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following approved plans:

Existing Location Plan 01
Proposed Site Plan 03 received 17.06.2024

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 21, 29, 31, 41, and 43 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 12, and 15 of the National Planning Policy Framework.

3. Prior to the first use of the site as two dog exercise paddocks, the 1.5m high close boarded timber fencing shown on Proposed Site Plan 03 received 17.06.2024 shall be erected and stained a visually recessive dark green colour, and green deer proof mesh shall be installed to the 1.8m high post and rail fencing. Thereafter, the fencing shall be retained as such for the lifetime of the development.

Reason: To ensure the compatibility of the proposed use with the use of surrounding land and to soften the appearance of the 1.5m high fencing in accordance with Policies 29, 31 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

4. The use of the site as two dog exercise paddocks shall not begin until details of landscape planting building on the details provided within the submitted Biodiversity Net Gain Calculation undertaken by Dendra and shown on Proposed Site Plan 03 received 17.06.2024 have been submitted to and approved in writing by the Local Planning Authority. The details shall include

planting species, sizes, layout, densities, numbers, and the establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. All landscape planting shall be maintained for a minimum of five years. Any trees or plants which are removed, die, fail to become established, or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species to those originally planted. Replacement planting will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to achieve net gains in biodiversity in accordance with Policies 10, 29, 39, and 41 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

5. All of the planting in the approved details of the landscaping scheme shall be carried out no later than in the first available planting season following the erection of the 1.5m timber fencing shown on Proposed Site Plan 03 received 17.06.2024.

Reason: In the interests of the visual amenity of the area and to comply with Policies 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

6. The two dog paddocks as indicated on Proposed Site Plan 03 received 17.06.2024 shall not be occupied by more than two dogs each at any one time.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

7. The use of the site as two dog exercise paddocks shall not operate outside the hours of 8:30am to 8pm hrs on any day of the week. In all other respects, the use of the site shall be carried out in accordance with the Safety and General Rules and Guidelines contained within the submitted Planning Statement.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

8. No lighting shall be installed on the site.

Reason: In the interest of the amenity of neighbouring residents and land users in accordance with Policy 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

9. Should the secure dog exercise paddocks no longer be required all structures associated with the use, including fencing, shall be removed

within 12 months of the cessation of use and the land returned to its former condition.

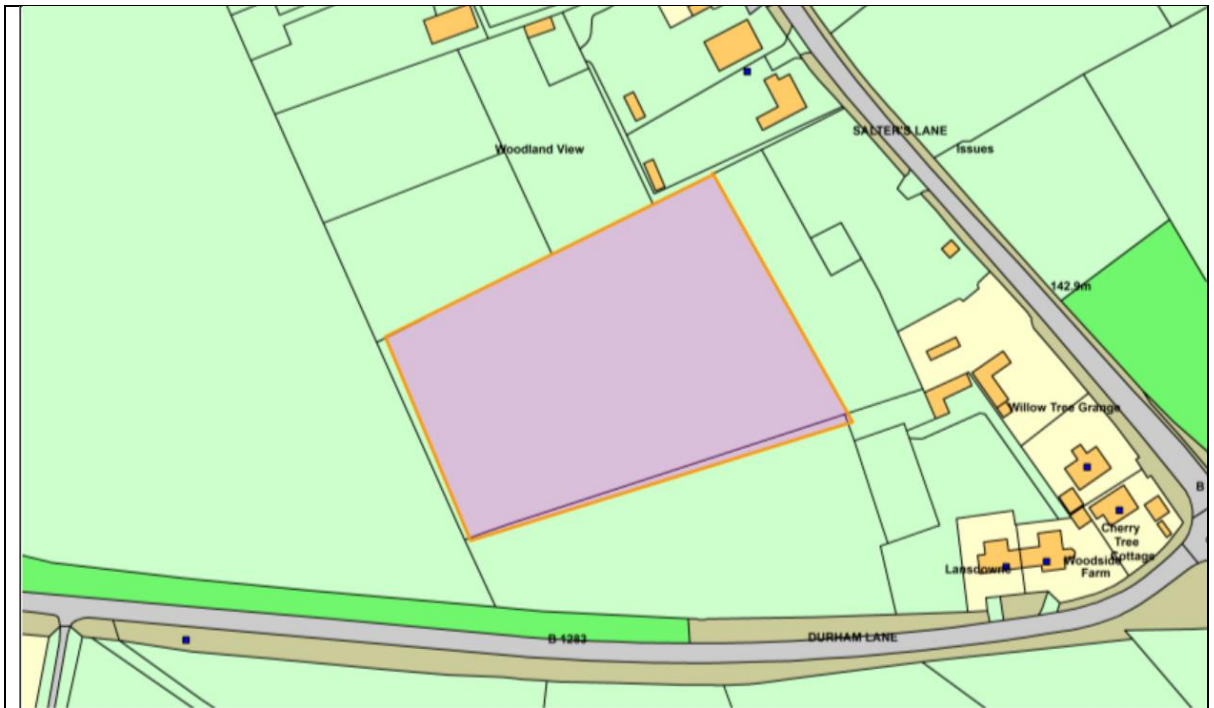
Reason: In the interest of visual amenity and to comply with Policies 29, 31, and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Residential Amenity Standards Supplementary Planning Document 2023
Statutory consultation responses
Internal consultation responses



<p>Planning Services</p>	<p>Change of use from personal equestrian grazing paddock to commercial dog exercise paddocks and retention of 1.8m high fencing (description amended)</p>	
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	<p>Date: 1st of July 2024</p>	