

**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 11TH APRIL 2024**

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

Application Number	RB2023-0050 https://rotherham.planportal.co.uk/?id=RB2023/0050
Proposal and Location	Use of land for dog training and exercise area including fencing/gates and pedestrian and vehicle access, Land of North, Hilldrecks View, Ravenfield
Recommendation	Grant Conditionally

This application is being presented to Planning Board due to the number of objections received.



Site Description & Location

The application site is a rural field set to the North of Ravenfield, accessed off Moor Lane North. The field is currently used for equestrian purposes and the site adjoins Hilldrecks View a modern residential cul de sac.

Background

RB1979/3214 - Residential development - REFUSED

RB1986/1527 - Outline for residential development - REFUSED

Proposal

The applicant seek permission to change the use of the land for the use as a dog training and exercise area for dogs in the care of Thornberry Animal Sanctuary. The dogs in question require general exercise and in some case rehabilitation due to neglect. The training will therefore allow the dogs to be rehabilitated for future adoption. The site is not intended for use by the general public.

In support of the scheme a noise impact has been provided which recommends and concludes:

An environmental noise survey has been undertaken at the land to the north of Hilldrecks View to prepare a noise impact assessment for the proposed dog training and exercise area and associated parking.

The assessment has allowed the likelihood of any adverse impact upon the nearby noise sensitive receivers to be determined, based on measured source noise levels captured at the Thornberry Animal Sanctuary, and background noise levels as measured at the proposed site.

Calculations show that worst-case noise emissions over a 5-minute period from the proposed dog training and exercise area would be indicative of no significant impact on the nearby receivers.

To ensure that the highest L_{max} noise event from the proposed dog training and exercise area does not have an impact on the southern receivers, a close-boarded timber fence should be installed along the southern site boundary.

Noise emissions from the proposed car parking area will have a negligible impact on the nearby receivers within the context of the existing background noise profile of the area.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The site is allocated Green Belt, in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy Policies:

CS4 - Green Belt
CS28 - Sustainable Design

Sites and Policies Document Policies:

SP2 – Development in the Green Belt
SP55 – Design Principles

Other Material Considerations

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The revised NPPF came into effect in December 2023. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application was advertised on site and via neighbour notification letter. Eight letters of Objection have been received. The objector's state:

- **Privacy Concerns for Local Residents:** The development will overlook gardens, requiring residents to erect additional fencing at personal cost.
- **Traffic and Parking Issues:** Operational hours clash with school times, exacerbating existing parking issues and safety risks for pupils. The proposed parking area is used for school drop-offs, complicating traffic during busy periods.
- **Impact on Wildlife and Environment:** The site is home to various wildlife species, including lapwings and pheasants, which will be affected by the development. Noise and pollution from increased car activity will impact local residents' health and disturb wildlife.
- **Lack of Consultation with Residents:** The proposal does not address the significant concerns of local residents, including the disruption of the natural landscape and the impact on the local ecosystem. The planning application has not engaged in a thorough consultation process with stakeholders.
- **Noise Concerns:** Increased noise from barking dogs and people will distract children in nearby schools and disturb local wildlife.
Discrepancies in Noise Mitigation Measures:
- The proposed noise mitigation measures, such as fencing, raise questions about the expected noise levels and their impact on the

aesthetics of the area. Safety Risks and Inconvenience from Increased Traffic:

- The development will worsen the already difficult parking situation, potentially blocking access for residents and emergency vehicles.

The applicant has requested the right to speak at Planning Board.

Consultations

RMBC - Streetpride (Transportation & Highways) Unit: No objections

RMBC – Environmental Health: Supports the findings of the acoustic noise report and recommends relevant conditions.

RMBC -Ecology: No Objections subject to new hedgerow planting

Appraisal

The main considerations of the application are as follows:

- Whether the proposal represents inappropriate development within the Green Belt and its impact on the openness of the Green Belt.
- Highway impact
- Design and visual appearance.
- Impact upon neighbouring amenity
- Very special circumstances to justify inappropriate development and any other harm caused.

Whether the proposal represents inappropriate development within the Green Belt and its impact on the openness of the Green Belt.

Core Strategy Policy CS4 Green Belts states that land within Rotherham's Green Belt will be protected from inappropriate development as set out in national planning policy. Policy SP2 – Development in the Green Belt, states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances", and that all proposals for development should satisfy other relevant policies of the Local Plan and National Guidance.

Paragraph 155 of the NPPF allows for a change of use of land within the Green Belt providing it preserves the openness. In this instance the change of use requires a 2.2m high acoustic fence and as such there will be a minor impact upon the openness of the Green Belt. As such the proposal represents inappropriate development and requires very special circumstances.

Highway impact

The scheme includes a secondary access to allow for a separate pen for the dogs to alight in a secure area. This will prevent the potentially unruly dogs coming into contact with horses or other users of the site.

The additional access is acceptable in highway safety terms and subject to the appropriate conditions the Council's Highway Officer has no objections. It is noted that the access involves the removal of a small section of hedgerow, this will be compensated in ecological terms with the new hedgerow to be provided to soften the appearance of the acoustic fence.

Design and visual appearance

SP55 'Design Principles' states: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings".

This approach is also echoed in National Planning Policy in the NPPF.

Paragraph 131 of the NPPF states that: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this."

The proposed timber acoustic fence will have a more domestic appearance than usually seen in a rural setting, where post and rail fencing are usually seen. The acoustic fence is a requirement to reduce the noise of the dogs during training and can not be altered or reduced in height. The proposed hedgerow overtime will reduce the visual impact of the fence and provide some ecological enhancement.

It is therefore not considered that these works would be detrimental to the local character and distinctiveness of the area, in accordance with Policy SP55 'Design Principles' and the design guidance in the NPPF.

Impact upon neighbouring amenity

The supporting text to the Policy SP55 Design Principles states: "4.323 Development proposals will be required to demonstrate that they have appropriately taken account of and mitigated against any site constraints which may have a detrimental impact upon amenity, including privacy, direct sunlight or daylight".

Paragraph 135 of the NPPF states that: “Planning policies and decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

The applicant has submitted a noise impact assessment that demonstrates that the noise from the dogs will not be harmful to the amenity of neighbours and the recommendations of the noise report are conditioned as part of this approval. This includes a 2.2m high acoustic fence to the field to absorb noise from barking dogs.

Very special circumstances to justify inappropriate development and any other harm caused

Paragraph 152 of the NPPF states that: “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 153 states “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, is clearly outweighed by other considerations”.

The applicant contends that there is a need for the dog exercise area to train rescue dogs and ensure that they are suitable for adoption. The training of the dogs is essential part of the charities work and they lack adequate space at their HQ in Dinnington to exercise the dogs correctly. The dogs are also unlikely to be suitable to be trained in a public park, where dogs may become distracted or inappropriately interact with humans or other dogs.

The impact upon the openness of the Green Belt is only minor as the acoustic fence is 2.2m high, as compared to a 2m high fence which could be constructed under permitted development. The applicant has also agreed to screen the fence with a hedge which will overtime further reduce the impact upon the openness of the Green Belt.

With this in mind very special circumstances are considered to exist to justify the inappropriate nature of the development within this Green Belt setting.

Conclusion

Having regard to the above, whilst the application is considered to be inappropriate development within the Green Belt. However very special circumstances are considered to exist to justify the development.

Furthermore, the proposal would not adversely affect the amenity of residents subject to the acoustic fence, and would not result in highway safety issues. Therefore, the application would comply with relevant national and local planning policies and is subsequently recommended for approval subject to conditions.

Conditions

01

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

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

(Amended Proposed Elevations, Floor Plans & Site Plan JBA.3548.501.B)

Reason

To define the permission and for the avoidance of doubt.

03

The site shall not be used for dog exercise and training other than between the hours of 09:00 – 17:00hrs Mondays to Fridays and 09:00 – 13:00hrs on Saturdays. No operations shall take place on Sundays.

Reason

In the interest of neighbouring amenity.

04

The approved dog training and exercise ground hereby approved shall be used by Thornberry Animal Sanctuary only or successor of. There shall be no more than a maximum of 3 No. dogs on site at any one time.

Reason

The site is not suitable for general public use.

05

A Close boarded fencing shall be installed on site as shown in Figure 5.1 of the Noise Impact Assessment report undertaken by KP Acoustics dated 25 May 2023 (Ref: report 26547.NIA.01 Rev A). The fencing shall have a minimum height of 2.2m and a minimum surface mass of 10kg/m² with no holes or gaps. The fencing shall be regularly inspected and maintained throughout the duration of the planning consent.

Reason

To safeguard the amenities of the occupiers of the proposed development in accordance with RMBC Policy SP52 and parts 12 and 15 of the NPPF

06

Landscaping of the site as shown on the approved plan (drawing no. JBA.3548.501.B) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

07

The hardstanding to the access fronting Moor Land North shall be repaired in agreement with the Local Planning Authority prior to the use hereby approved being implemented.

Reason

In the in the interest of highway safety.

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.