



Report to Planning Committee: 11 July 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Steve Cadman, Planner (Development Management)

Report Summary			
Application No.	23/02141/FUL		
Proposal	Change of use of agricultural field to dog exercise area		
Location	Land at Highfields, Gonalston Lane, Epperstone		
Applicant	Mr A Worrall	Agent	Mr Tim Fletcher, TF Architectural Services
Web Link	23/02141/FUL Change of use of agricultural field to dog exercise area Land At Highfields Gonalston Lane Epperstone NG14 6AZ (newark-sherwooddc.gov.uk)		
Registered	15 th December 2023	Target Date EOT	9 th February 2024 18 th July 2024
Recommendation	That Planning Permission is APPROVED subject to the Conditions detailed at Section 10		

This application is being referred to the Planning Committee in accordance with the Council’s Constitution, due to a referral by the local ward member Councillor Roger Jackson, due to its impact on the privacy of neighbouring properties.

Summary of the Report

The report considers a planning application for an agricultural field in the Green Belt, near Epperstone. The application is presente to Planning Committee due to a referral by Councillor Jackson. The report describes the location and surroundings of the site, including the access road, the existing buildings, the proposed development, and the relevant planning policies. The report also analyses the main issues raised by the application, such as the impact on the Green Belt, the visual amenity, the highway safety, the ecology, and the drainage.¹

¹ This ‘Summary of the Report’ contains content generated by Artificial Intelligence (AI). This content has been reviewed for accuracy and edited/revised where necessary. The Business Manager takes responsibility for this content.

1.0 The Site

- 1.1 The site is a 0.65Ha approx. agricultural field, located in the Green Belt, approximately 1km east of Epperstone, 1.45km west of Gonalston, and set back approximately 430m to the north of Gonalston Lane. It is reached via a private tarmacked vehicle access from Gonalston Lane to the south.
- 1.2 To the north of the site lies the dwelling of Highfields, with its associated outbuildings. The complex of farm buildings and livery stables of Netherfield Farm lie beyond this. To the south of the field lies the neighbouring dwelling of Netherfield Farm House with its associated outbuildings.
- 1.3 There is a change in levels across the site, with the land rising to the north. The site is surrounded by open fields to the west and east.
- 1.4 There is a small timber shelter on the site and historical aerial photographs show that a shelter of similar size to the existing appears to have been present on the site since circa 2007, although its position appears to have changed slightly.
- 1.5 The site has the following constraints:
 - The site is located in the Nottingham-Derby Green Belt;
 - Some of the buildings at Netherfield Farm to the north of the site are considered to be non-designated heritage assets;
 - There is a watercourse at the western boundary of the site, and a small part of the site adjacent to this has been identified as being at low to medium risk of surface water flooding.

2.0 Relevant Planning History

- 2.1. None relevant.

3.0 The Proposal

- 3.1 The application seeks permission for a change of use from an agricultural field to a dog exercise area.
- 3.2 The scheme also includes the construction of a 1.8m metal mesh gate with a mesh panel on either side of the gate to the entrance and the installation of two 3m by 5.5m 'Grasscrete' parking spaces. The gateway would form part of a boundary of 1.8m deer fence that fully encloses the site.
- 3.3 The site is currently operated by 'Mutts Go Nuts' and is used as an area for people to visit and exercise their dogs in a secure location. The business currently operates during the hours of 8am to 6pm daily. The applicant advises that dog exercising is available for hourly slots throughout the day, giving a maximum of 10 customer bookings. There would be no organised classes, and booking is limited to one hirer at a time, booked via an online portal. The field is otherwise used for dog exercise. It is anticipated that there would usually only be one vehicle on site at a time, and that they would use the gate and an existing hardstanding area (sufficient space to turn to

enable vehicles to enter and leave in forward gear).

- 3.4 The site operator provides customers with fresh water, shade, some limited seating and waste bins. The seating comprises two moveable picnic benches, one in the field, one in the wooden field shelter that provides shelter/shade.
- 3.5 The applicant advises that those hiring the field are expected to keep the field clean and to keep off the grass with their vehicles. Customers are not permitted to arrive before their allocated slot and must leave before the end of the slot to avoid overlap with customers and avoid problems along the access off Gonalston Lane.



Proposed Site Plan

- 3.6 Documents assessed in this appraisal:
 - Application form, received by the Local Planning Authority on 4th December 2023
 - Location Plan, received by the Local Planning Authority on 4th December 2023
 - Existing and Proposed Block Plan, drawing no. 670-2023-01 Rev B, received by the

Local Planning Authority on 31st May 2024.

- Planning Statement, dated November 2023, by town-planning.co.uk, received by the Local Planning Authority on 4th December 2023
- Flood Risk Assessment, dated December 2023 by town-planning.co.uk, received by the Local Planning Authority on 15th December 2023.

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 3 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Site visit undertaken on 23rd January 2024

5.0 Planning Policy Framework

5.1. Epperstone Neighbourhood Plan

- Policy EP 11: Design Principles
- Policy EP18: Traffic Management in Epperstone Village.

5.2. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 4A Extent of the Green Belt
- Spatial Policy 4B Green Belt Development
- Spatial Policy 7 Sustainable Transport
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character

5.3. Allocations & Development Management DPD (2013)

- DM5 Design
- DM7 Biodiversity and Green Infrastructure
- DM8 Development in the Open Countryside
- DM12 Presumption in Favour of Sustainable Development

The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of policies DM5, DM7, DM8 and DM12 emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. Other Material Planning Considerations

National Planning Policy Framework

Planning Practice Guidance (online resource)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
Landscape Character Assessment SPD (December 2013)

6.0 Consultations and Representations

- 6.1. Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

6.2. Local Highway Authority -

The proposed use is already operating, via an existing access. It is promoted as a dog walking field available for hire on an hourly basis. Similar ventures within the district are known to also offer such fields for classes and events, attracting multiple customers and vehicles at one time. Gonalston Lane is a narrow country lane popular with walkers, cyclists and equestrians and is not suitable for attracting numbers of vehicles at one time, therefore a condition to ensure the field is not used for classes or events is considered necessary.

Town/Parish Council

Epperstone Parish Council

- 6.3. The Parish Council unanimously object to this planning application. They believe it is misleading and advise that the business has been operating illegally for a number of years. They also raise concerns about impact on Netherfield Farmhouse, impact of traffic and visitors, the potential for dogs to spook horses at the nearby livery and general impact on the countryside.

Representations/Non-Statutory Consultation

6.4. Environmental Health Officer

Given the close proximity of the dog exercise area and other residential property, there is potential for noise and disturbance, which might include dog barking and vehicle movements, which may be greater than that already experienced in the vicinity.

When and how often barking is likely to occur is difficult to predict, although the proposal would provide scope for dogs to attend the exercise area for up to 10 sessions per day. While this may be limited to only one booking per hour, this does not prevent more than one dog attending each booking. While barking might not ultimately amount to statutory nuisance, it could result in a material change in the character of the noise environment.

Information provided with the application suggests that existing mature vegetation would likely provide some noise attenuation for the closest neighbouring property, but does not provide any information to support that assertion or demonstrate how

effective that may be in the circumstances. The effectiveness of vegetation in attenuating noise is likely to be influenced by a complex interaction between the site, seasonality, and noise frequency. In reality this might not provide significant attenuation or eliminate barking noise at the closest neighbouring property.

The exercise facility does not require a licence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. One person at a time on the field should not cause a noise nuisance but if a complaint was received then we would investigate the issue.

Security of the field and any entrance or exit is adequate to prevent any dog/s escaping into the surrounding area where livestock are grazing. For example there must be at least 2 secure physical barriers (gates) between a dog and any entrance or exit from the field to the outer curtilage to avoid escape.

Fencing must be:

- strong and rigid
- sufficient height
- in good repair to prevent an escape
- dig proof
- there must not be any sharp edges, projections, rough edges or other hazards which could injure a dog.

6.5. Comments have been received from 17 third parties/local residents that can be summarised as follows:

- Harm to road safety through causing excessive traffic on an inadequate lane and through the entrance to the site being inadequate.
- Horses using the livery stables to the north need to ride past the site to exercise, so dogs and traffic using the site present a hazard and risk of injury to horses, riders and others (if horses bolt).
- Risk of dogs escaping.
- Harm to residential amenity through loss of privacy and noise.
- The site is poorly managed which creates problems such as:
 - Cars parking on the verges, creating an obstruction and resulting in dogs not being contained within the site and posing a risk to horses.
 - No vetting of the number of people, dogs and cars due to the online booking system and lack of security locks.
 - No rules or warnings requiring users to be considerate.
 - People using the site at inappropriate times (e.g. 7am in the morning).
 - No 'break' between bookings, leading to more than one user being present.
 - The owner of the site being absent when problems occur.
- The site has been operating for 2 ½ years without the necessary approvals.
- There is an existing dog exercise field within 3 miles and the need for a further facility has not been proven.

7.0 Comments of the Business Manager – Planning Development / Appraisal

7.1. The key issues are:

1. Principle of development
2. Impact on the Green Belt
3. Impact on Residential Amenity and on other nearby land uses
4. Impact on Highway Safety
5. Flood Risk and Drainage

7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

Principle of Development

7.3. Spatial Policy 1 'Settlement Hierarchy' of the Amended Core Strategy DPD sets out the settlement hierarchy for the District, with Epperstone identified as an "other village". It also states that outside of Newark and identified Service Centres and Principal Villages, development within the Green Belt will be considered against Spatial Policy 4B 'Green Belt'.

7.4. Spatial Policy 4B 'Green Belt Development' of the Amended Core Strategy DPD provides clarification that, outside of a specific list of locations and specific types of development, proposals will be judged according to national Green Belt Policy.

7.5. National Green Belt Policy is set out in NPPF section 13 'Protecting Green Belt Land', with the purposes of Green Belt set out in paragraph 143 and specific guidance on assessing development proposals affecting the Green Belt provided in paragraphs 152-156.

7.6. Paragraph 143 states that the Green Belt serves five purposes:

- 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

7.7. Paragraph 152 states that 'inappropriate development' which is, by definition, harmful to the Green Belt, should not be approved except in very special circumstances.

- 7.8. Paragraph 153 directs local planning authorities to give substantial weight to any harm to the Green Belt, with 'very special circumstances' existing only where the potential harm to the Green Belt and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 7.9. Paragraph 155 states that a number of other forms of development are not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. This includes, at part e), material changes in the use of land.
- 7.10. The proposal under consideration is for a change of use, with the associated operational development limited to fences and gates together with a "Grasscrete" parking area. There is an existing timber shed in the field, but this was in place prior to use as an exercise field, so no new buildings have been constructed. For clarity, the Council's Enforcement Team have confirmed the applicant's assertion that the shed was present in at least 2016 and therefore immune from enforcement (applying the 4 year rule). In addition, it is accepted that the existing wire fencing enclosing the site is permitted development under Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development Order 2015).
- 7.11. The fencing along the western and eastern sides of the fields is of metal mesh and is installed against existing hedgerows and is considered to have minimal impact on openness.
- 7.12. Along the northern boundary of the site, the fencing also consists of metal mesh, but here it is supported by a mixture of vertical timber poles and horizontal timber rails. There is no significant vegetation at this side of the site, so this fence is more visually prominent than the others. This fence is however situated at the boundary between the garden belonging to Highfields to the north, and the former field to the south, and the fact that there is no hedge at this point means that some kind of fence, most likely one capable of restraining animals, is effectively made necessary in this location. The type of fencing used is relatively inconspicuous, for example when compared with the type of close boarded fence which is often used to enclose gardens, and a fence of comparable height could be installed under the permitted development rules, without the need to apply for planning permission. The applicant has stated (email dated 23/02/2024) that the fence was in place when they purchased the house, and pre-dates the introduction of the dog exercise field. In view of all of the above, this fence is not considered to be either made necessary by the change of use, or to be harmful to openness either.
- 7.13. The existing fencing along the southern boundary is considered to be inadequate by the Council's Environmental Health section and so fencing in the form of a 1.8m-high, wire mesh "deer fence" has been provided. An additional condition has been recommended requiring a planting scheme to provide a screening hedge at the open part of the southern boundary. It is considered that a mesh fence would have a minimal impact on openness, particularly when installed adjacent to a hedge.

- 7.14. The provision of an additional gate (1.8m high), as recommended by the Council's Environmental Health section also requires a small amount of associated fencing to provide enclosure at its sides. Given their relatively small scale and location adjacent to the hedge at the eastern boundary, the only public vantage point from which these additions would be clearly visible would be from immediately adjacent the entrance on the lane to the east. From here, it is considered that the visual impact would only be slightly greater than the visual impact of a single, stand-alone gate. Given this, it is considered that these would not be harmful to the openness of the Green Belt either.
- 7.15. Given its minimal height and open nature, the "Grasscrete" hard standing would have a minimal visual impact, and it is considered that it would not be harmful to openness either. While provision has been made for 2 parked cars, it is expected that there would be a single car parked on the site during typical usage. Given the limited scale and temporary nature of the parking, this is not considered to be harmful to the openness of the Green Belt either.
- 7.16. It is possible that use of the site as a dog-walking field may involve other paraphernalia, however it is considered that this is unlikely to have a greater visual impact than the types of paraphernalia required for the keeping of livestock for example.
- 7.17. In summary, it is considered that the proposal would not be harmful to the openness of the Green Belt from either a spatial or visual perspective. Furthermore the proposal is not considered to conflict with any of the purposes of the Green Belt set out in paragraph 143. The proposal is not therefore considered to constitute inappropriate development in the Green Belt.

Loss of Agricultural Land

- 7.18. Section 15, paragraph 180 part (b) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of the best and most versatile agricultural land.
- 7.19. The site's existing use is as agricultural land, and it has been provisionally assessed as a mixture of Grade 2 and Grade 3 land in the Agricultural Land Classification (ALC). At least part of the site therefore falls within the category of the Best and Most Versatile (BMV) agricultural land. However, I note the limited area of the site at approximately 0.65Ha (only part of which is grade 2) and the fact that the proposal would not involve the permanent loss of the land for agricultural use. The proposal does not therefore conflict with part b) of paragraph 180 of the NPPF.

Impact on Landscape Character and Visual Amenity

- 7.20. Core Policy 9 'Sustainable Design' of the Amended Core Strategy DPD requires new development proposals to, amongst other things, "achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments". In accordance with Core Policy 9, all proposals for new

development are assessed with reference to Policy DM5 of the Allocations & Development Management DPD, which, amongst other things, require new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.

- 7.21. Core Policy 13 states that, based on the assessment provided by the Landscape Character Assessment SPD, the Council will work with partners and developers to secure new development which positively addresses the implications of relevant landscape Policy Zone(s), ensuring that landscapes have been protected and enhanced.
- 7.22. Policy DM5 'Design' of the Allocations and Development Management DPD states that in accordance with the requirements of Core Policy 9, all proposals for new development shall be assessed against a number of criteria, including a requirement that new development must reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.
- 7.23. The Council's Landscape Character Assessment SPD identifies the surrounding landscape as forming part of the Mid Nottinghamshire Farmlands Regional Character Area, with the site itself located in the Thurgarton Village Farmlands with Ancient Woodlands Policy Zone. The actions for this particular policy zone are as follows:

Landscape Features

- Conserve permanent pasture and seek opportunities to restore arable land to pastoral.
- Conserve hedgerow planting along roadsides, seek to reinforce and enhance as appropriate.
- Conserve the biodiversity and setting of the designated SINCs, seek to enhance where appropriate.
- Conserve and enhance woodland/plantation blocks, seek to reinforce green infrastructure as appropriate.

Built Features

- Conserve the rural character of the landscape by concentrating new development around existing settlements.
- Conserve and respect the local architectural style and local built vernacular in any new development.

The proposal does not include any built features and is considered to be compatible with all of the listed actions relating to landscape features.

- 7.24. As discussed above, the fencing along the northern boundary does not form part of the proposal, while the fencing along all of the other boundaries would consist of mesh and would sit adjacent to hedges which are in place at the moment or to hedges which are to be required by condition. In view of this, it is considered that the visual

impact of the fencing would be minimal and that it would not harm the character of the local landscape, or harm visual amenity more generally.

- 7.25. In summary, it is considered that the proposal would not be harmful to the character of the surrounding landscape, or to visual amenity generally. It therefore complies with Core Policy 9, Core Policy 13, Policy DM5 and has regard to paragraph 155 of the NPPF.

Impact upon Residential Amenity and Neighbouring Land Uses

- 7.26. Policy DM5 'Design' of the Allocations and Development Management DPD states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. It also states that separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity, including loss of privacy.
- 7.27. I note the comments of the Council's Environmental Health Officer regarding the potential for noise and disturbance as a result of dog barking.
- 7.28. The dog exercise field is located close to Netherfield Farm House to the south of the site. It sits adjacent to the driveway at the northern side of the house, and also to some outbuildings which sit adjacent to the south-west corner of the site. It is set back by more than 10m from the house itself, but it is evident that part of the curtilage of this property close to the boundary, has been used for the installation of a table with brick seating, and a timber bench has also been installed close to the northern boundary.
- 7.29. The separation distance between the house and the boundary is considered to be sufficient that any noise impacts on the house itself would remain within acceptable limits. As regards the outdoor space around the house, it is acknowledged that some areas (including two outdoor seating areas) are directly adjacent the boundary, but the main garden belonging to the house is located to its south, and is unlikely to be significantly affected.
- 7.30. It is considered that potential noise and disturbance can be mitigated by the use of planning conditions restricting the hours of use of the site, and also the intensity with which the site is used. In addition, it is considered that a condition requiring visual screening in the form of planting at the boundary would reduce the likelihood of dogs running up to the boundary and barking in response to activity around the outbuildings or in the driveway area, and so I have recommended that such a condition be attached.
- 7.31. The proximity to Netherfield Farm House also means that privacy impacts must be considered. At present the generally open nature of the boundary, together with the fact that the exercise field sits at a higher level, means that people using the exercise field are able to look through to the northern part of the curtilage, and to the northern side of the house. While, as noted above, the main garden belonging to the house is

located to the south, and would remain largely unaffected, there would a significant loss of privacy to the table and seating area adjacent to the northern boundary. Appropriate planting at the boundary would however be sufficient to mitigate this impact, so with a condition requiring this in place, it is considered that the impact would be acceptable. Planting would also mitigate any loss of privacy to the ground floor windows in the house and conservatory as well.

- 7.32. The first floor of the house is higher up, so a planting scheme might not be sufficient to block sight lines from the field to first floor windows. However the window on the first floor facing the site provides light to a landing area, rather than to a habitable room, and so any loss of privacy to this area is considered as providing insufficient grounds for a refusal.
- 7.33. There is also the potential for noise and disturbance from dogs to impact upon the stables to the north, principally through horses using the lane at the eastern side of the site. In this case however, the hedge at the boundary provides a good degree of visual screening, except in the area around the gate. Furthermore, it is often hard to completely separate dogs from equestrian uses in rural areas, with them often having to co-exist to some extent – for example on public bridleways etc., so it is considered that it would be unreasonable to attempt to prevent any kind of proximity here.
- 7.34. I note the comments and recommendations from the Environmental Health Officer for Public Protection, specifically recommendations for:
- The use of 2 gates to prevent dogs escaping when the outer gate is opened.
 - Fencing which is of strong and rigid, of sufficient height, and dig proof.
- 7.35. Given the narrowness of the lane and the its use by horses, the use of 2 gates is considered to be necessary to prevent dogs escaping and potentially startling horses or indeed creating problems for pedestrians or vehicle traffic on the lane.
- 7.36. The recommendation of dig-proof fencing would undoubtedly be necessary for land uses like kennels, where dogs are contained within a relatively small area for long periods of time. In practice however, it is considered that any given dog is only likely to be using the exercise field for relatively short periods, they are not contained within a highly restricted area, and they would be expected to be under some degree of observation during this time. For these reasons, dig-proof fencing is not considered to be necessary here, with it instead being the responsibility of the owner and operator to make repairs to the ground near any fencing, should this become necessary.
- 7.37. The existing fencing along most of the western and eastern sides of the site sits adjacent to thick hedges, and the combination of both fence and hedge is considered to be sufficient to provide adequate containment. The fencing at the northern boundary serves to separate the site from the owner's house and is also considered to be adequate.
- 7.38. The existing fencing along the southern boundary is less high and substantial than that

found to the north, is not backed by a hedge, and so it is considered necessary for this to be improved so as to protect the occupants of Netherfield Farm House. I have therefore recommended the attachment of conditions requiring that this takes place.

- 7.39. In view of the above, with appropriate conditions in place, and loss of residential amenity is considered to remain within acceptable limits. The proposal is therefore in accord with Policy DM5.

Impact upon Highway Safety

- 7.40. Spatial Policy 7 'Sustainable Transport' of the Amended Core Strategy DPD requires development proposals to provide safe, convenient and attractive access for all, to be appropriate for the highway network, and to ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. They should provide appropriate and effective parking.
- 7.41. Policy DM5 'Design' of the Allocations and Development Management DPD states that provision should be made for safe and inclusive access to new development.
- 7.42. I note the concerns of the Local Highway Authority that any future use for classes and events would attract more vehicles than is appropriate, given the narrowness of Gonalston Lane and its potential for conflicts with walkers, cyclists and equestrians. I agree with this view, and note that the nearby livery stables and the use of the lane adjacent the site by horse riders makes this condition even more necessary. I have therefore recommended the attachment of a planning condition imposing this restriction.
- 7.43. With such a condition in place, the Local Highway Authority state that they have no objection to the proposal and the proposal is therefore considered to be in accordance with Spatial Policy 7 and Policy DM5.

Flood Risk and Drainage

- 7.44. Core Policy 9 'Sustainable Design' of the Amended Core Strategy DPD states that new development will be expected to demonstrate a high standard of sustainable design, setting out a number of specific requirements, including the pro-active management of surface water.
- 7.45. Core Policy 10 'Climate Change' states that the Council is committed to tackling the causes and impacts of climate change, including through steering new development away from those areas at highest risk of flooding, and also through ensuring that new development positively manages its surface water run-off to ensure that there is no unacceptable impact in run-off into surrounding areas or the existing drainage regime.
- 7.46. Policy DM5 'Design' states that all proposals for new development shall be assessed against a number of criteria, including (in part 9) avoidance of areas at highest risk of flooding and the inclusion of measures to pro-actively manage surface water.
- 7.47. The proposal is located in Flood Zone 1 and is not therefore at increased risk of fluvial

flooding. However, small parts of the site near the watercourse at its western side are at low, medium or high risk of surface water flooding, as are parts of the access lane to the east.

- 7.48. I note the conclusion of the Flood Risk Assessment accompanying the application that the field shelter and hard standing should be safe for the lifetime of the development and that, given the small extent of the site which is at high risk, that the proposal is acceptable. I agree with this assessment.
- 7.49. The proposal would not therefore be at an unacceptable risk of flooding and would not increase the risk of flooding elsewhere and is therefore considered to comply with Core Policy 9, Core Policy 10 and Policy DM5.

Other Matters Raised in Representations

- 7.50. There is some frustration that the application is not described as 'retrospective'. The Council recognises that the business is already in operation. However, the description of 'retrospective' is not *development*. It is not unlawful to submit an application retrospectively, and retrospective planning applications should be considered on their individual planning merits.
- 7.51. It is recognised that there might be other dog exercise fields in this part of the District. Potential competition between individual businesses and the financial impact on existing businesses is not a material consideration. A demonstration that the facility is 'strictly necessary' is not therefore required.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

- 9.1. In conclusion, it is considered that the proposal accords with Epperstone Neighbourhood Plan policies EP11, EP18 with Spatial Policies 1, 2, 3, 4A, 4B, 7, Core Policy 9, Core Policy 10, Core Policy 13 and with policies DM5, DM6, DM8 and guidance within the NPPF, and there are no material reasons why this application should not be permitted, subject to appropriate conditions.

10.0 Conditions

01

The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference:

- Location Plan, received by the Local Planning Authority on 4th December 2023.
- Existing and Proposed Block Plan, drawing no. 670-2023-01 Rev B, received by the Local Planning Authority on 31st May 2024.

Reason: So as to define this permission.

02

The approved alterations to the entrance of the site and the fencing at the southern boundary shall be implemented within a period not exceeding 6 months from the date of this permission.

Reason: In the interests of public safety.

03

Within 3 months of the date of this permission, full details of soft landscape works to provide a screening hedge at the southern boundary of the site as indicated on drawing no. 670-2023-01 Rev B shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

Reason: Inadequate information has been provided and this condition is necessary to protect the residential amenity of nearby residents and in the interests of visual amenity and biodiversity.

04

The approved soft landscaping shall be completed during the first planting season following the date of this permission. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

05

The existing hedge along the southern boundary shall be retained at a minimum height of 2 metres for the lifetime of the development. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced.

Reason: In the interests of residential amenity.

06

The site shall not be used by more than two vehicles at any one time.

Reason: In the interests of residential amenity and highway safety.

07

The use hereby permitted shall only take place during the following hours:-

08:00h to 18:00h Monday – Sunday

Reason: In the interests of residential amenity and in response to the application.

Informatives

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 23/02141/FUL

