

WIVETON – PF/21/2977 Change of use of agricultural land to a dog walking field with associated car parking area; erection of 1.8 m fence around the perimeter of the dog walking area; erection of storage shed for maintenance equipment and field shelter at Land east of The Acreage, Coast Road, Wiveton, Norfolk

Target Date: 12 May 2022

Case Officer: Jayne Owen

Full application

Extension of Time: 20 May 2022

CONSTRAINTS

ART4 Article 4 Planning Restriction
Conservation Area
Advertising Control
LDF Countryside
LDF Undeveloped Coast
Area of Outstanding Natural Beauty
Agricultural Land Grade 3
Landscape Character Area (Rolling Heath and Arable)

RELEVANT PLANNING HISTORY

None

THE APPLICATION

The application seeks the change of use of 2 acres of agricultural land to a dog walking field with an associated car parking area and the erection of deer fencing. The aim is to provide a secure dog walking area where owners can take their dogs without fear of attack from other dogs and the field is also proposed to be made available to owners of dogs who are subject to control orders. The supporting statement submitted with the application states that there are increasing numbers of dog attacks on people as well as other dogs, cats and particularly livestock. In 2014 the law was amended to include incidents on private property, inside your home and others' homes including front and back gardens. Under the 2014 Act it is illegal for a dog to be 'out of control' or to bite or attack someone. The legislation also makes it an offence if a person is worried or afraid (reasonable apprehension) that a dog may bite them. The applicant states the 2014 Act has created a need for secure dog walking fields.

The site lies on the southern side of the coast road east of The Acreage in Wiveton and is currently a flat, open site mainly grassed with a tree belt on the southern boundary. In terms of physical changes to the site in addition to the proposed fencing, two timber buildings are proposed together with an area of car parking for up to three vehicles which would have a reinforced grassed surface, no hardstandings are proposed for car parking.

The buildings would comprise a timber storage shed for grass cutting and maintenance equipment which would be sited behind the hedge fronting the site which would measure 6 metres x 4 metres with a shallow pitched roof to a maximum height of 3.2 metres. The second would be a field

shelter for use by dog walkers which would be sited further into the site and would measure 3.6 metres x 4.6 metres with a mono-pitched roof to a maximum height of 2.3 metres.

The applicant's agent has provided a list of terms and conditions for the use of the site. Each user of the facility would be required to book a slot for themselves or household and dog(s) only. The use of the field would be for dog walking/exercise only and no groups, clubs, training classes, shows or other activity will be permitted, CCTV will be in use and owners will be required to pick up dog waste or use a dog poo bin which will be provided by the applicant on site.

REASONS FOR REFERRAL TO COMMITTEE:

The application has been called in by the Ward Member (Councillor Holliday) on the following grounds:

- The perimeter fence will be visually intrusive.
- The two wooden huts and proposed vehicle movements represent domestication and suburbanisation of the landscape.
- This site is within the Norfolk Coast AONB and the North Norfolk Landscape Character is Rolling Heath and Arable. The key qualities of both are a strong sense of remoteness, tranquillity, wildness, and a varied and distinctive biodiversity, with which this proposal does not comply.
- Access is from the A149 which is at that point busy and unrestricted. The application does not comply with Core Strategy Policies EN 1,2,3 and CT5, or with NPPF para 176, and the social and economic benefits do not outweigh the harm

PARISH COUNCIL:

Wiveton Parish Council: Objects

Considered the proposal is contrary to the policies of the Norfolk Coast AONB and those of the NNDC in its Core Strategy and the new Local Plan covering the period up to 2036. Together these aim to protect the local environment and prevent inappropriate development. Specifically, the Parish Council object on the following grounds:

- The development is inappropriate to this site and its immediate vicinity, it brings development to what is an agricultural environment, fields, pasture and crops.
- It is visually intrusive as it includes buildings and 1.8 m high security fencing
- The security fencing is particularly inappropriate to this setting. It will have a major visual impact and bring an unacceptable industrialised look to the local area
- It will bring unwelcome noise and disturbance from barking dogs where there is currently none and with the slope of the land southwards will impact on a number of residential properties on the 'north' side of Wiveton
- It will lead to an over intensification of the use of this land which is essentially fields, pasture and crops

- Access off the A149 is unsafe. The intensification of traffic movements into and out of the site will lead to the risk of accidents. It is a derestricted road with a 60mph limit
- It will set a precedent for the further intensification of the site with other dog related activities such as kennels.
- The sheds and shelter seem quite large to accommodate their activities. It should not create a precedent for the further development and intensification of this site or its use of the site for other purposes, for example, new housing as this would be totally inappropriate in this location/setting.

Blakeney Parish Council: Objects

Support the objections raised by Wiveton Parish Council and the District Councillor. The proposal does nothing to enhance the Area of Outstanding Natural Beauty, Conservation Area, Countryside or Undeveloped Coast and would be detrimental to the boundary gap between the villages of Blakeney and Wiveton.

REPRESENTATIONS:

Summary of Representations

9 letters of **SUPPORT** have been received raising the following issues:

- There is a local need for the development as currently no secure walking sites where dogs can be exercised off the lead. During some time of the year it is not possible to exercise dogs off lead due to potential of disturbing nesting birds on beaches or livestock or wildlife on footpaths and other walks. The responsible dog owner would be able to exercise their dogs here. With Covid considerations dog walkers would be able to exercise without meeting any other people.
- Field is hidden behind a well-established hedge perfect for reactive dogs; site conveniently located to Wiveton Hall refreshments.
- With only 1 or 2 vehicles accessing the field at any one time, there should be no additional traffic impacts; The addition of two wooden huts in an arable / agricultural area is not out of character. The area also provides secure and safe car parking spaces, with a turning area. This will prevent vehicles reversing onto the main carriageway of the A149. Exit from the car park provides clear vision in both directions onto the A149. Entry to the site is also unobstructed with only a few vehicles entering and exiting at any one time.
- A former noise abatement officer comments that they found that nuisance barking was predominantly due to dogs being left alone in domestic settings or reacting to other dogs so is confident this would not be an issue in this setting.
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Four representations have been received **OBJECTING** to the proposal:

- Looking up the hill towards Blakeney the 1.8 metre perimeter fence and proposed shelter for dog walkers will be visually intrusive.
- The size of the other hut, for storage of mowers etc, seems to be over-large for its intended use. Overall, the buildings and proposed vehicle movements represent domestication and suburbanisation of the landscape.
- Damage to the environment/impact on wildlife
- The change of use and introduction of car parking, small buildings, enlarged highway access, probable signage and security fencing are all visually detrimental to landscape within the Norfolk Coast AONB and the North Norfolk Landscape Character is Rolling Heath and Arable.
- Access is from the A149 which is at that point busy and unrestricted.
- It will erode the separation between the settlements of Blakeney and Cley which would be contrary to the emerging local plan which clearly recognises the importance of the landscape between settlements.
- This route between Cley and Blakeney is an important part of the popular walking route around Blakeney Eye. To permit development here would be detrimental to the character of this landscape. The desire for this type of facility is recognised but this is not the location for it as the harm to the character of the area would be too great.
- The site may not be suitable for dog walking due to shooting taking place in the surrounding fields, as dogs may well be scared by the noise, while pellets and quarry might also fall into the area.
- Dogs are walked without issues at many locations not far from here, necessity of this application is questioned.

Conservation and Design Officer: No Comments

Does not wish to offer any detailed comments on this particular occasion. Instead it is recommended that the application be determined;

a) in accordance with national guidance and local policy, and

b) having paid special attention to the statutory duty contained in s72 of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

North Norfolk Coast Partnership: Comments only

The fencing may industrialise the open countryside of this part of the AONB. Consider it would be advisable to look at other fencing with wooden posts which would be less visually intrusive in the landscape. Conditions are recommended preventing any external lighting on the site and limiting the parking to the 3 spaces identified in the application.

Dog disturbance on sensitive sites in the AONB is something the Norfolk Coast Partnership are very much aware of the Partnership are currently undertaking work looking at changing the behaviours of dog owners through communications work.

This proposal does therefore have value in that it will potentially take some of the pressure from more sensitive sites in the AONB where dogs off lead can cause disturbance to protected species. However, this should not be to the detriment of the landscape so more appropriate fencing will need to be considered.

Landscape Officer: No Objection subject to condition

Considers that the application complies with policies EN 1, EN 2 and EN 4 of the Core Strategy, subject to a condition to confirm the fencing details and a condition to restrict external lighting.

Norfolk County Council Highways: No objections subject to conditions

Environmental Health: No objections subject to comments, conditions and advisory notes

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

RELEVANT POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 5 - Economy

EN 1 - Norfolk Coast Area of Outstanding Natural Beauty and The Broads

EN 2 - Protection and enhancement of landscape and settlement character

EN 3 - Undeveloped Coast

EN 4 - Design

EN 8 - Protecting and enhancing the Historic Environment

EN 9 - Biodiversity and Geology

EN 13 - Pollution and Hazard Prevention and Minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 6 - Building a strong, competitive economy

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

North Norfolk Landscape Character Assessment Supplementary Planning Document – January 2021

MAIN ISSUES FOR CONSIDERATION

- 1. Principle**
- 2. Landscape/Impact on the Norfolk Coast AONB**
- 3. Design and impact on heritage asset (conservation area)**
- 4. Amenity**
- 5. Highway Impact**

APPRAISAL

1. Principle (SS 1, SS 2):

The site lies within an area designated as countryside and therefore falls to be considered against Policy SS 2 of the North Norfolk Core Strategy. In areas designated as countryside Policy SS 2 states that development will be limited to that which requires a rural location and is one or more of a number of specified types of development. This includes recreational use, subject to compliance with policies of the Core Strategy and other material planning considerations.

The NPPF seeks to protect the most versatile agricultural land, the land in question is Grade 3, of good to moderate agricultural value, and comprises a grassed area on the eastern edge of a larger agricultural field that is not currently being farmed. The principle of recreational use in an area of designated countryside is considered to be acceptable in principle in accordance with Core Strategy Policies SS1 and SS2 of the North Norfolk Core Strategy, and would not result in the loss of the best and most versatile agricultural land.

2. Landscape/Impact on the Norfolk Coast AONB (EN 1, EN 2, EN 3)

The site is within the Rolling Heath and Arable Type which is characterised by a predominantly elevated, open rolling landscape with a strong coastal influence. Land cover is notable for lowland heath, arable farmland, pockets of scrub and woodland, with little settlement inland from the coastal villages of Blakeney and Salthouse. The area has a strongly rural character, dominated by arable farmland in addition to coastal settlement and semi-natural habitats such as the heathlands. As a result of the lack of settlement, this Landscape type is known for its dark night skies. There is a frequent feeling of proximity to the coast, due to the sense of space and large skies, even where direct views are not present.

The area lies wholly within the AONB and contributes to its defined special qualities, including the undeveloped coastal character, sense of remoteness and tranquillity, which complements the

adjacent marshlands. Policy EN 1 sets out that local and national policy dictate that great weight should be given to conserving and enhancing the special qualities of the AONB. The site is also located within the Undeveloped Coast where only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted.

Core Strategy Policy EN 1 states:

'The impact of individual proposals and their cumulative effect, on the Norfolk Coast AONB, The Broads and their settings, will be carefully assessed. Development will be permitted where it;

- is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area;
- does not detract from the special qualities of the Norfolk Coast AONB or The Broads; and
- seeks to facilitate delivery of the Norfolk Coast AONB management plan objectives

Opportunities for remediation and improvement of damaged landscapes will be taken as they arise.

Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts.

Development proposals that would be significantly detrimental to the special qualities of the Norfolk Coast AONB or the Broads and their settings will not be permitted.'

Core Strategy Policy EN 2 sets out that:

'Proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies.

Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance:

- the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character)
- gaps between settlements and their landscape setting
- distinctive settlement character
- the pattern of distinctive landscape features, such as watercourses, woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife
- visually sensitive skylines, hillsides, seascapes, valley sides and geological features
- nocturnal character
- the setting of, and views from, Conservation Areas and Historic Parks and Gardens
- The defined setting of Sheringham Park, as shown on the Proposals Map

Core Strategy Policy EN 3 states:

'In the Undeveloped Coast only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted.

Community facilities, commercial business and residential development that is considered important to the well-being of the coastal community will be permitted where it replaces that which is threatened by coastal erosion'

The site currently has no permanent buildings on it. However, there is some evidence of equipment being stored on the front part of the site over an extended period of time. More recently, the site has been tidied and new fencing and a field gate added. Part 2, Class A of Schedule 2 of the General Permitted Development Order permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure of 1 m above ground level adjacent to a highway or 2 m above ground level in any other case.

An existing mature hedge separates the highway from the main body of the field and there is a dense hedgerow and tree belts which provide substantial screening of the site from the west and south. It is proposed that the eastern boundary hedge will be enhanced by new tree planting which will help to screen the proposed new fencing from the east.

The impact on the AONB and Undeveloped Coast arises largely from the proposed two moderately sized timber buildings and a small area of parking suitable for one/two vehicles. The timber clad field shelter and parking area would be visible from the highway access. However, the shelter would be set well back into the site and sited adjacent a dense hedgerow so views of it would be limited from the west and east of the site. The field shelter would have a similar appearance to field shelters often found in grazing paddocks for horses in designated Areas of Outstanding Natural Beauty and rural areas in the district and the proposed parking area would be a grass reinforced surface which it is considered would have a limited visual impact within the site and from any public viewpoints.

The roof of the proposed timber storage shed would be visible from the highway but would be partially screened by the frontage hedgerow. The originally proposed galvanised security fencing would have introduced an industrial feature into this rural setting however the applicant has revised this element of the proposals. The means of enclosure as revised will comprise deer fencing with wooden posts and including fine mesh netting of 100 mm x 100 m which is considered suitable having regard to the need to contain small dogs. The applicant's agent has advised that this type of fencing has been used in the Broads Authority area to good effect.

Whilst the proposal arguably does not require a coastal location, and there is therefore a degree of conflict with Policy EN 3 of the North Norfolk Core Strategy, the North Norfolk Coast Partnership have commented that dog disturbance on sensitive sites is something they are aware of and that the proposals have value in that it will potentially take some of the pressure from the more sensitive sites in the AONB where dogs off lead can cause disturbance to protected species. Notwithstanding the conflict with the aims and objectives of Policy EN 3, it is considered that the proposal would not be significantly detrimental to the open coastal character in this location sufficient to warrant a refusal on this ground.

On balance, it is considered that the proposals would not significantly detract from the landscape setting or adversely affect the special qualities of the AONB sufficient to warrant a refusal on this ground. .

Subject to the satisfactory implementation of the recommended conditions, it is considered that the application will comply with Policies EN 1, EN 2 and EN 3 of the Core Strategy.

3. Design and impact on heritage assets (EN 4 and EN 8)

The site lies within the Glaven Valley Conservation Area. Policy EN 8 requires that development proposals, including alterations and extensions, should preserve or enhance the character and appearance of designated assets and their settings. In addition, under the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF, special attention must be paid to the desirability of preserving or enhancing the character and appearance of conservation areas.

The main impacts on the heritage asset would be the introduction of the two sheds onto the land together with the parking area and fencing. Glimpses of the roof of the shed closest to the highway would be visible on the approaches to the site from Blakeney and Cley and the field shelter would be visible from the entrance to the site. The parking area itself is unlikely to have a significant visual impact beyond the boundaries of the site as it would have a reinforced grassed surface.

By virtue of the relatively modest size and scale of the buildings, it is considered that the proposal would have a limited visual impact from the approach into the Blakeney Conservation Area or significantly erode the rural buffer between the settlements of Cley and Blakeney.

The originally proposed security fencing has been amended to deer fencing which will be of an appropriate design sufficient to contain small dogs. However, it is also worthy of note that means of enclosure would be permitted development, subject to meeting the restrictions set out in the General Permitted Development Order in terms of its height (1 m adjacent to a highway, 2 m in any other case) as also referenced in Section 2 above.

It would however be appropriate to secure full details of the proposed fencing and new planting by way of appropriately worded conditions.

Subject to conditions, it is considered that the proposal would accord with Policy EN 8 of the North Norfolk Core Strategy and would not conflict with the aims and objectives of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Amenity (EN 4 and EN 13)

Policy EN 4 requires that proposals should not have a detrimental effect on the residential amenity of any nearby occupiers. In addition, Policy EN 13 requires that all development proposals should minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution.

Concerns have been raised in representations regarding potential noise impacts. Having consulted with the Council's Environmental Health Officer, the main consideration from an amenity perspective is the potential for dog barking associated with the use of the facility to cause noise nuisance to neighbouring residents. Whilst use of the site as a dog exercise field would be expected to give rise to some level of dog barking noise, it is understood that the site will generally only be in use by one dog owner at a time, and this will help to limit the amount of barking arising.

The site is proposed to be for dog walking/exercise only and groups, clubs, training classes, shows or other events will not be permitted. It would however be appropriate to attach a condition restricting the use of the site as proposed for the avoidance of doubt.

The site is also not immediately adjacent to residential properties, with the nearest dwelling being Highfield House approximately 200 metres to the west, and the properties at Hall Lane which lie approximately 300-350 metres to the south-east. In both cases there is some degree of boundary hedging or tree cover between the site and these dwellings which would help to buffer against any noise emanating from the site. The applicant also intends to further enhance the eastern boundary hedge with tree planting. Based on these points, it is considered that the proposal would not give rise to unacceptable impacts to the living conditions of neighbouring residents.

Customers/users of the site will be required to pick up waste from their dogs whilst using the site, with all waste to be taken home or disposed of in a dog waste bin in the vicinity of the equipment storage shed which will be provided by the applicant. An advisory note is also recommended with respect to the disposal of waste.

With regard to external lighting, the submitted Planning Statement states that the applicant does not intend to install lighting on the field and it is the intention that no walks will take place before dawn or after dark. The absence of artificial lighting will help to preserve the rural character of the area and prevent unnecessary light pollution. A condition that should external lighting be proposed full details must be submitted to and approved in writing by the Local Planning Authority before installation is considered appropriate.

In addition, it is considered that conditions requiring the submission and approval of a management plan would be appropriate to ensure the future management of the site and to restrict the use of the site for dog walking/ exercise only.

Subject to the advisory notes recommended by the Environmental Health Officer, it is considered that the proposal accords with Policies EN 4 and EN 13 of the North Norfolk Core Strategy.

5. Highway Impact (CT 5, CT 6)

The site lies to the south of the A149, which has wide highway verges either side of the access. The operation of the site would be based on each user booking a timed slot which would be available for one household and dog(s) with one other family member or friend from another household and their dog being by prior agreement, groups will not be permitted. Parking provision would be for up to three vehicles only.

Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Whilst there would inevitably be a number of vehicle movements associated with the site, with generally only one householder per bookable slot using the site, it is considered that these additional movements would not be excessive or that the impacts on the road network would be severe.

In addition, the Highways Authority have raised no objections to the proposal subject to conditions requiring the upgrading/widening of the existing access, a restriction with respect to any access

gates/bollards, chains or other means of obstruction to ensure vehicles are able to safely draw off the highway before the gates/obstruction is opened and to ensure the gradient of the access does not exceed 1:12 for the first 8 m in the interests of the safety of persons using the access and users of the highway and that the proposed on site car parking is laid out and retained in accordance with the approved plan. An informative is also recommended relating to works within the public highway.

Subject to the conditions an informative recommended by the Highways Authority, it is considered the proposal will accord with Policies CT 5 and CT 6 of the North Norfolk Core Strategy.

6. Conclusion

The development is acceptable in principle. Whilst the site lies within the AONB and designated undeveloped coast valued for its wide, open and unsettled areas of land which provide a sense of remoteness, tranquillity and wilderness, in this instance, the main physical changes to the site would be two modest sized sheds, similar to those found on grazing paddocks for horses, and it is considered that owing to the scale of the buildings these would be subservient to the important views of the landscape beyond and on balance are not considered to significantly detract from the landscape setting or have a significant adverse impact on the special qualities of the AONB. An appropriate form of means of enclosure has been negotiated and agreed with the applicant and can be secured by way of condition together with details of the proposed new planting. Conditions are also recommended requiring the submission and agreement of a management plan and to limit the use of the site to dog walking/exercise only.

RECOMMENDATION:

APPROVE subject to conditions relating to the following matters and any others considered necessary by the Assistant Director for Planning.

- Time limit for implementation
- Approved plans
- Prior to first use, a management plan shall be submitted and agreed by the LPA
- The use of the site shall be for the purposes of dog walking/exercise only and for by groups, clubs, training classes, dog shows or other similar related activity.
- Prior to first use, full details of the proposed fencing and new native hedgerow/tree planting shall be submitted to and agreed by the Local Planning Authority.
- Full details of any external lighting to be submitted to and agreed in writing with the LPA

Informative advising the application that businesses require a Trade Waste contract to dispose of all waste associated with commercial activities as stated in the Environmental Protection Act 1990, Section 34.

Informative advising the application that any new signage would require separate advertisement consent.