

APPLICATION NO: 25/00175/COU

CASE OFFICER: Andrew Hunt

WARD: Halewood South

PARISH: Halewood
Town Council

LOCATION: Land Off Lower Road, Halewood, Knowsley

PROPOSAL: RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF
AGRICULTURAL LAND TO DOG EXERCISE AREA

Site Description

The application site is an irregular triangular shaped site. It extends from the railway line to the south up towards the bus stop on the opposite side of Lower Road. The site is widest next to the railway and narrows to the north close to the bus stop. There are trees and hedges to the south of the site next to the railway line and on the eastern part of the site next to Lower Road. There are small obstacle courses and seating areas within the site with metallic fencing around the site and a wooden gate. The proposal has been built.

The site is surrounded by open fields to the north and west, a railway line to the south, (with dwellings beyond), a dwelling to the south east (also beyond the railway line) and an employment area to the east.

Proposal

The proposal is a retrospective application for the change of use from agricultural land to dog exercise area. This includes the erection of obstacles and benches within the site, a thin see through metallic fence, wooden gates and a parking area at the front of the site near Lower Road. The fence and gates are 1.8 metres in height.

Consultations

Environmental Health – No objection, however, the opening hours of the proposal should mean that the proposal should not be used outside the hours of 7am to 11pm on any day.

Highways - No objections to the proposed development. The visibility splays are appropriate and the booking management system is also acceptable.

Merseyside Environmental Advisory Service – No objection, bird and bat boxes are required to be provided. The location of these is acceptable, however a condition is needed to specify the precise area. Wildflower Meadow planting is also required and can be secured via condition.

Representations

This application has been publicised by letters sent to 3 neighbours and by site notice.

One objection has been received consisting of the following main points:

- The new opening has damaged kerbs which are not of a highway standard.
- The gravel from the entrance transfer onto Lower Road when cars leave.
- The new entrance creates a blind spot when overtaking parked buses on the bus stop opposite.
- Vehicles visiting the filed have been reversing out onto lower road which has a 50mph speed limit and is unsafe for this. This causes congestion to HGV's.

Planning History

None relevant.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally 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.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS5 - Green Belt

CS8 - Green Infrastructure

CS19 - Design Quality and Accessibility in New Development

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

G4 - Rural Diversification
ENV2 – Noise and Vibration

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

Principle of Development

The application site is situated within the Green Belt.

Policy

Policy G4 of the Saved Unitary Development Plan (2006) – Rural Diversification states that proposals for the diversification of rural enterprises will be permitted provided that they would:

- a) Preserve the openness and purposes of the Green Belt;
- b) Not harm the visual amenity or character of the area; and
- c) Otherwise be in accordance with the policies of this Plan.

Policy CS5 'Green Belt' in the Core Strategy states that inappropriate development in the Green Belt will only be permitted in 'very special circumstances' in which it has been demonstrated that the harm to the Green Belt (including any harm to its openness, purposes or to its visual and recreational amenities) would be clearly outweighed by other considerations.

Policy CS19 of the Core Strategy requires development to enhance local distinctives, identity and accessibility of places ensuring development proposals respond positively to the characteristics of immediate surroundings.

NPPF para 154 states that Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including

land within it;

NPPF para 143 states that the Green Belt serves 5 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.

Assessment

The proposal would be for outdoor recreation and would comply with the exception 154 b). In relation to openness, the proposed fence would be a thin see through fence that does not stand out or create a substantial visual presence. Likewise, the dog obstacles are small in height and movable and the benches are typical of a recreation area. Overall, the changes do not result in harm to the openness of the Green Belt. None of the 5 purposes of the Green Belt would be materially affected by the proposal as the type of proposal is a relatively temporary and small scale use consistent with recreation.

The development of the site for a dog exercise area is therefore considered acceptable in principle.

Amenity

Policy CS19 requires that to maintain a good standard of amenity for all existing and future occupants of land and buildings, development proposals will be required to avoid unacceptable impacts on existing residents, business occupiers, and future occupiers.

The nearest dwelling to the site is an isolated dwelling to the south west beyond the railway line. This would be 73 metres away from the nearest point of the site. There are also dwellings to the south (located 140 metres away) and a farm complex to the north (located 175 metres away).

The nearest dwelling is separated from the site by a railway line, during the daytime there is limited noise from the dog training area when considered against the background noise throughout the day. Provided that appropriate opening hours are secured to protect against night time noise, there would be no harm to amenity. This is supported by the council's Environmental Health team who have no objection subject to opening hours restrictions.

The other properties are located around twice as far away and their amenity would not be affected by the proposal provided opening hours were secured by a planning condition.

Overall, the proposal would not result in harm to amenity.

Highway Safety

NPPF para 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

The proposal involves the creation of a new access and informal parking area at the entrance to the site. A booking management plan has been submitted with the application, this demonstrates that sessions will be limited to 55 minutes, thus avoiding handover periods where multiple persons are at the site. Cars will be limited to no more than 2 at a time. Coded padlocks ensure that only those who have booked can access the area.

The traffic movements into the site would be relatively limited as only 2 cars would be there at one time, this means that the overall traffic levels would be spread throughout the day and would not be particularly high. Overall, there would not be significant harm to highway safety from the proposal. This is supported by the council's highway team who have no objection to the proposal.

In relation to the entrance to the site creating issues when buses are parked. There would be only 2 cars at any one time. It would only be rare that a car would exit at the same time as a bus was at the bus stop. There is sufficient visibility to ensure safety entering and exiting the site along with sufficient space within the parking area to turn around. In relation to the kerbs and gravel transferring onto lower road, whilst this may be inconvenient, given the small volume of traffic, this does not result in significant harm to highway safety.

This is supported by the views of the council's highways authority who have no objection subject to conditions. Overall, the proposal would not result in significant harm to highway safety.

Agricultural Land

In relation to agricultural land, the proposal would not be a permanent development and would not prevent a return to agricultural use in the future. Therefore, there would be no loss of agricultural land. There would be a benefit in terms of rural diversification. The proposal would help to support agricultural businesses by providing a diversified income stream to support the main farming income.

Ecology

Core Strategy Policy CS8 states that planning powers and other interventions will be used to:

- c) Promote effective movement of wildlife through a network of strategic green links, by protecting, maintaining and improving existing and new open spaces, water courses (including water quality) and biodiversity assets;
- d) Protect, enhance and/or introduce biodiversity into existing areas of Green

Infrastructure, through integration into the design of new development and public realm projects;

In relation to ecology, bird and bat boxes will be secured on site to mitigate any harm. A wildflower meadow shall be secured via planning condition. As a result, there would not be harm to ecology from the proposal. This is supported by the views of Merseyside Environmental Advisory Service who have no objection to the scheme. The implementation of the agreed bat and bird boxes this will be secured via a planning condition. Overall, the proposal complies with Core Strategy Policy CS8.

Conclusion

The proposal would be acceptable in principle and in relation to neighbour amenity highway safety and ecology. The application complies with local planning policies and is recommended for approval.

Recommendation

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents :-
 - a. Bird and Bat Boxes Plan - Received *04/06/2025)
 - b. Fencing and Gate Elevations – Rev D - Received (02/04/2024)
 - c. Site Plan – Rev E - Received (17/03/2025)
 - d. Location Plan – Rev C - received (17/03/2025)

Reason: For the avoidance of doubt.

2) Bird and Bat Boxes

Within 3 months of planning permission being granted, the bird and bat boxes approved under (*Bird and Bat Boxes Plan - Received 04/06/2025*) shall have been installed in accordance with the submitted details.

The bird boxes shall be erected at a height of between 1-3m and installed before the end of winter.

The bat boxes shall be placed at least 3-4metres away from the ground and away from artificial light, sheltered from strong winds and exposed to some sun during the day, usually south, south-east of south-west.

The bird and bat boxes shall be retained hereafter.

Reason: In order to improve biodiversity at the site.

3) Hours of Operation

The approved use shall only operate between the hours of 7am -11pm. The use shall not operate outside these hours.

Reason: For the avoidance of doubt, in the interests of protecting residential amenities and to accord with Saved UDP Policy EN2: Noise and Vibration.

4) Wildflower Planting

Within 6 months of planning permission being granted, details of wildflower planting and enhancements shall have been submitted to and have been approved by, the local planning authority.

The wildflower planting shall be implemented in accordance with the approved plans by the end of the next planting season and shall be retained hereafter.

Reason: In order to protect biodiversity.

Signed Case Officer: Andrew Hunt

Signed Authorising Officer: Jo Sheridan

Date: 16/06/2025

Informatives

N/A