

APPLICATION NO: 25/00176/COU **CASE OFFICER:** Andrew Hunt

WARD: Halewood North **PARISH:** Halewood
Town Council

LOCATION: Land Off Gerrards Lane, Halewood, Knowsley

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

Site Description

The application site is a narrow and long triangular shaped site. There are trees on the western edge of the site with fencing around the edge of the site and a grassed area to the east. 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, with the fencing, bench and exercise areas having been erected and the car parking area implemented. There is an existing dog exercise area to the west and south west, (previously approved under applications 24/00352/FUL and 23/02640/FUL), open fields to the north and north east and dwellings 60 m away to the east of the site along Gerards Lane. There is a busy main Road Gerards Lane, to the south with open fields beyond this. To the south west (beyond the other dog exercise areas), there are additional dwellings. 180m away

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 Gerards Lane. The fence and gates are 1.8 metres in height.

Consultations

Environmental Health – No objection. The opening hours of the proposal should mean that the proposal should not be used outside the hours of 7am to 8pm on any day.

Highways - Highways have no objections to the proposed development.

Merseyside Environmental Advisory Service – No objection subject to a condition requiring the applicant to provide bird and bat boxes.

Representations

This application has been publicised by letters sent to 15 neighbours and by site notice.

Three objections have been received consisting of the following main points:

- The dog area causes noise, littering, dog barking and traffic, we have had several near misses from cars.
- The existing roads have potholes which will be made worse.
- They have taken out a hedge at the entrance and this looks poor.
- There are dog excrement bags left in the lane.

Planning History

None at the site however, two applications have been approved for dog exercise areas adjacent to the site.

24/00352/FUL - Land At North End Lane, Halewood, Liverpool, L26 5QB - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF AGRICULTURAL LAND TO TWO DOG EXERCISE AREAS – approved - 12.02.2025

23/02640/FUL - Land At North End Lane, Halewood, Liverpool, L26 5QB - CHANGE OF USE OF PART AGRICULTURAL LAND TO A DOG EXERCISE AREA - approved - 29.01.2024

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 fence is 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 proposal would not significantly harm the amenity of neighbouring properties in relation to noise and disturbance. Whilst there would be some noise from barking, none of the residential dwellings are close enough that the harm to amenity would be significant enough to warrant refusal, with the nearest residential property being 60m, away. The dog exercise area would be further away from the properties on North End Lane than the permitted existing dog exercise areas. Therefore, the impact will be less than the previous applications.

In relation to Gerards Lane, the properties to the east, these are around 60m away and are separated by a busy main road. The distance would not result in significant noise impacts provided appropriate opening hours are implemented.

There is no evidence that noise and disturbances would significantly impact amenity provided appropriate restrictions on opening hours were to be introduced. This is supported by Environmental Health who have no objection to the development subject to opening hours restrictions. It is considered a small extension to opening hours in summer to 9pm is justified as this would still be before many persons go to bed and their sleep would not be affected.

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. The booking plan 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. The vehicle arrivals and departures will not result in traffic build-up on the highway. 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.

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.

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.

Other Considerations

In relation to potholes, the additional traffic would not be at a level which would cause significant pothole damage above the existing situation.

In relation to dog excrement, the terms and conditions of the booking require appropriate disposal of waste. The enforcement of this would not be a planning matter.

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 *20/05/2025)
 - b. Fencing and Gate Elevations – Rev D - Received (04/04/2024)
 - c. Site Plan – Rev D - Received (28/03/2025)
 - d. Location Plan – Rev C - received (18/03/2025)

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 20/05/2025*) shall have been installed in accordance with the submitted details. 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 - 8pm in winter and 7am - 9pm in summer (during daylight saving time). 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.

Signed Case Officer:

Andrew Hunt

**Signed Authorising
Officer:**

Jo Sheridan

Date:

27/05/2025

Informatives

N/A