

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14th June 2023

APPLICATION REF. NO: 22/01160/FUL

STATUTORY DECISION DATE: 21st December 2022

WARD/PARISH: HURWORTH

LOCATION: Field at Copse Haven Roundhill Road
Hurworth Moor DARLINGTON
DL2 1QD

DESCRIPTION: Construction of an open front timber shelter (retrospective) within northeast corner of dog walking field together with the provision of a movable bench, dog house (both retrospective) and dog agility ramp

APPLICANT: MISS FIONA LENNOX

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RK93W8FPOC800>

APPLICATION AND SITE DESCRIPTION

1. The application site is former agricultural land associated with an existing dwelling, situated on the east side of Roundhill Road, Hurworth. The site sits close to a complex of converted barns, which now consist of three dwellings, with the original Roundhill Farm farmhouse, situated to the south. Planning permission was granted in February 2021 for the change of use of the field to a commercial dog exercise area (20/00910/CU). One of the conditions attached to the permission was that planning permission would be required for any additional structure on the site, even if they were

only to be placed on the site for a temporary period. This was in place to protect the visual amenities of the locality.

2. Since the original planning permission, the applicant has erected several structures, which comprise an open front timber shelter with seating area in the northeast corner of the field and the use of a small doghouse which is placed in various positions on the site. The applicant would also like to use an agility ramp. This is a part retrospective application, and the applicant has noted that not applying for planning permission in advance was an error. This application seeks to therefore regularise the development.
3. The applicant has advised that the need for the timber shelter to the northeast corner of the field is to allow customers to shelter whilst exercising their dogs, during inclement weather conditions. The other structures are provided for the enjoyment of the dogs during exercise.

MAIN PLANNING ISSUES

4. The main issues for consideration are:
 - a) Impact on visual and residential amenity.

PLANNING POLICIES

5. Relevant Local Plan policies include those seeking to ensure that new development:
 - Reflects the local environment and creates an individual sense of place with distinctive character (DC1).
 - Protects the natural quality of the rural landscape (ENV3).
 - The proposal is sited, designed, and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (policy DC4).

RESULTS OF TECHNICAL CONSULTATION

6. No technical objections.

RESULTS OF PUBLICITY AND NOTIFICATION

7. Three letters of objection have been received, raising the following concerns:
 - Plans do not show gradient of the land.
 - Any structures that can be climbed on by children or adults should not be approved.
 - Current boundary treatment offers no privacy.
 - Issues with current boundary treatment being maintained.
 - Location of field shelter doesn't make sense.

- There should be limits on the amount of people able to use the field at any one time to prevent impact on residential amenity.
- Field is not monitored so applicant cannot control customers climbing on the structures.
- Constitutes escalation of use.
- Overlooking from field and consequent loss of privacy.

PLANNING ISSUES/ANALYSIS

(a) Impact on visual and residential amenity

8. It should be noted that the number of people and dogs has been conditioned on the original application (20/00910/CU) application and a revised application is dealt with elsewhere on this agenda under 22/01194/FUL, so the issue raised by objection regarding numbers of people / dogs is not an issue that can be considered as part of this application which specifically relates to the structures. This application cannot also consider the principle of the use of the field as a dog exercise area, as a planning permission is already in place.
9. In view of the above, whilst it is noted that some issues raised by objection relate to perception of being overlooked by the dog exercise area, and impact of traffic and any noise or disturbance as a result of the use, any such issues can only be considered where they relate to the presence of the structures that are the subject of this application.
10. The field shelter has been sited in the northeast corner of the field, limiting its impact on visual amenity beyond the site itself. It is of a modest scale, at some 2.7m at its highest point (the front) reducing to 2.1m to the rear, with a depth and width of 3.66m. Whilst it is noted that this is close to the boundary with the objector residing at Meadowbrook, the applicant has recently made good any repairs to the boundary treatment caused by the wind over the winter months and has undertaken to do some limited tree planting in that corner of the field adjacent to the boundary. The retention and maintenance of the boundary treatment is required as a planning condition on the original approval and so any issues relating to that in the future would be dealt with separately. The presence of the field shelter makes it no more possible for a member of the public to see above the existing fence than previously, and less possible than if a member of the public was standing in an open field, as the boundary treatment comes just below the highest part of the open end of the shelter.
11. Whilst it is noted that the presence of a shelter means that customers could congregate, any activity here is governed by condition 5 of the original permission (with a variation to that dealt with elsewhere on this agenda) which intends to control the number of people / dogs on the field at any one time to maintain control over the intensity of the use.
12. The doghouse and agility ramp are of such a scale that given the permitted use of the land, raise no additional visual or residential amenity issues.

13. Overall, the proposed structures are acceptable in terms of visual and residential amenity and are compliant with policies DC1, DC4 and ENV3 in this regard.

PUBLIC SECTOR EQUALITY DUTY

14. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

CONCLUSION AND RECOMMENDATION

15. The proposed structures are acceptable in terms of their impact on visual and residential amenity and comply with the relevant policies of the local plan.

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Implementation Limit (3 years)
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

Site Location Plan

REASON – To define the consent